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TRIAL

OF

THE MAJOR WAR CRIMINALS

BEFORE

THE INTERNATIONAL MILITARY TRIBUNAL

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PROCEEDINGS

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ONE HUNDRED AND THIRTY-FIRST DAY

Thursday, 16 May 1946

Morning Session

MARSHAL (Col. Charles W. Mays): If it please the Tribunal, the Defendants Sauckel and Von Papen are absent.

[The Defendant Raeder resumed the stand.]

DR. WALTER SIEMERS (Counsel for Defendant Raeder): Admiral, yesterday we finished with the somewhat involved Document C-32, and we had got as far as Point 11. We now come to Point 12, "Ammunition stocks in excess of the armament permissible." May I remind the Tribunal that this is Document C-32, Exhibit USA-50, in Document Book 10 a, Page 8, Point 12, which contains three columns.

Defendant, may I ask what you have to say to the accusation that you exceeded the permissible amount of ammunition?

ERICH RAEDER (Defendant): Certain ammunition stocks were in excess of the permissible amount and some were below it. I cannot tell you at this date what the reason was in each particular case. I assume that this depended to a considerable extent on the amounts left over from the last World War.

In the case of the first two items, the 17- and 15-centimeter shells, the actual stocks rather exceeded the quantity permitted, whereas the third item, the 10.5-centimeter, falls very far short of it—instead of 134,000 there were 87,000. In the case of the 8.8-centimeter shells there was an excess, then again a deficit, and the same thing applies to the last item. But they are all very insignificant amounts.

DR. SIEMERS: In the copy before the Tribunal there appears to be a note in the third column—on the next page in yours, Defendant—saying that quantities of ammunition are partly manufactured and partly in course of delivery, and that the total amount permissible will soon be exceeded.

I only wanted to ask you: The list was made out in September 1933. Then are the figures stated correct for September 1933 or autumn 1933?

RAEDER: I did not quite understand you.

DR. SIEMERS: If it says in this document that measures to be taken later will bring the totals above the quantities permissible, which—according to this statement—they had not yet reached, then that is calculated as from autumn 1933.

RAEDER: That may be assumed, yes. Because new ammunition as well as new guns were being manufactured, and old ammunition then had to be scrapped.

It also must be noted that ammunition for heavy artillery, which is not listed here, was in every case short of the permissible amount. A comparatively large amount of heavy artillery ammunition had been granted us for heavy coastal guns, and we had by no means as much as we were allowed to have.

DR. SIEMERS: For the assistance of the Tribunal, I may point out that this last point is proved by the actual documents in the hands of the Tribunal. In the Tribunal's copy under the Figure 12, Column 2, just beside the separate figures, there is a sentence which says, "... that the whole quantity permitted for heavy artillery has not been reached."

We now come to Number 13: "Exceeding the permissible stocks of machine guns, rifles, pistols, and gas masks."

RAEDER: Here, too, it must be admitted that in isolated cases stocks were a little higher than permitted. There were, for instance, 43,000 gas masks instead of the 22,500 permitted. Large numbers of rifles and machine guns were taken away even by individuals after the World War to farms, *et cetera*. They were later collected, and for that reason there was a comparatively large stock of them. But we are not dealing here with any considerable quantities. Similarly ammunition, bayonets, hand grenades, searchlights, fog equipment, *et cetera*, also exceeded the prescribed limits but not to any great extent.

DR. SIEMERS: Now, Figure 14: "Obtaining 337 M.G. C/30's without scrapping equally serviceable weapons." As I did not...

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): Surely, Dr. Siemers, it would be possible to deal with all these various points in the documents in one statement as to why there were these excesses. We have a statement here which contains 30 different items, and you have only got as far as 13, and you are dealing with each one.

DR. SIEMERS: Mr. President, personally I agree entirely. I am sorry that I caused the Tribunal so much trouble in connection with this document. As I am not a naval expert, I had a great deal of trouble finding my way through it; but I do not think that I was the cause of the trouble. The Prosecution, you see, have made use of the single points in evidence.

THE PRESIDENT: Dr. Siemers, the question is—I am not blaming you, but we want to get on. We are not blaming you. Can't it be done in one explanatory statement, one short statement?

DR. SIEMERS: I will try, Mr. President, and I will shorten it.

There is no need to say anything more about Numbers 15 to 17. I think these were the most important points. The points planned for a later date were not to be effective until the years '33 and '34. I may perhaps just point out to the Tribunal that Number 17 refers to the intended construction of reserve destroyers. The Versailles Treaty permitted the construction of these.

I pass over Number 18 because we have already dealt with that. Number 19, again, refers only to intended construction. Number 20 I may consider irrelevant; it concerns only the arming of fishing vessels. Numbers 21 to 29 . . .

THE PRESIDENT: I think, perhaps, you should ask the Defendant to explain some of these observations in the third column. I mean in Number 18, for instance: "Difficult to detect. If necessary can be denied."

RAEDER: These were explanations given to our League of Nations representative at the Disarmament Conference by the competent expert. It does not refer to local conditions. Construction of submarine spare parts, for instance, took place abroad or was to be prepared. It was actually carried out in 1934 and '35, and the first submarine was launched at the end of June 1935.

DR. SIEMERS: I may take it, Defendant, that only the construction and purchase of submarines was prohibited.

RAEDER: Yes, the construction in Germany.

DR. SIEMERS: I cannot prove until a later stage that no violation of the Treaty was involved by the construction of these spare parts; but I think you will have to give some indication of your reason for wishing to conceal it, in view of the fact that spare parts were not forbidden. I may remind you that this took place in September 1933 at a time when negotiations had already been planned.

RAEDER: At that period, before the German-English Naval Agreement was concluded on the basis of 35 to 100, Hitler was particularly eager to avoid everything which might embarrass the negotiations in any way. The construction and preparation of submarine parts came under this heading as being a subject on which England was peculiarly sensitive.

DR. SIEMERS: Was there not an additional reason for this appendix and other remarks in this second column—namely, the unfortunate experiences which the Navy had caused in home

politics, the fact that whenever the slightest action was taken a quarrel immediately ensued on the home political front?

RAEDER: Yes; and that went so far that the Reichswehrminister was attacked on occasions by Prussian ministers who disagreed with the Reich Government—for instance, Müller, Severing, Stresemann and later Brüning, who alleged to the Reich Chancellor that he took steps which he was not authorized to take. In reality, however, the Reich Government itself had sanctioned these things already and had accepted the responsibility for them.

DR. SIEMERS: So these things were kept secret for reasons of home policy, so that they should not be apparent . . .

RAEDER: Yes.

DR. SIEMERS: With the approval of the Reich Government?

RAEDER: With the approval of the Reich Government. As regards the firms, a number of firms . . .

DR. SIEMERS: I would prefer now to refer back to Column 2, Number 20, as I see from the record that the Prosecution have also expressly raised this point in connection with the arming of fishing craft, emphasized it, and made it the basis of a charge, "Warning shots, play it down."

RAEDER: The two fishing boats were quite small vessels and were normally unarmed. They served to supervise the fishing boats in the North Sea right up to Iceland, to help them in case of emergency, to take sick men aboard and to afford protection against fishermen of other nations. We thought it advisable to mount at least a 5-centimeter gun on these ships since they were actually warships. "Warning shots" means that they fired a salute when they wanted to draw the fishermen's attention to something; so it was quite an insignificant affair and had no need to be artificially reduced to a bagatelle but was in fact a bagatelle.

DR. SIEMERS: We now come to Numbers 21 to 28. This is a list of various firms, including industrial firms working on armament contracts. The Versailles Treaty admitted certain firms for this type of work while it excluded others. In actual fact, other firms had received contracts. Perhaps you can make a general statement on this point.

RAEDER: This was at a time when we had strong hopes that progress would be made at the Disarmament Conference. The Macdonald Plan, which brought about a certain improvement, had already been accepted; and we might have expected, in consequence, that the few factories still left to us would have to increase their output during the next few years. I may refer you to the shipping replacement scheme. Consequently, factories producing specialized

articles were better equipped and supplied. There was, however, never any question of heavy guns or anything of that kind but of automatic fuse-igniters, explosives—for instance, mine containers, *et cetera,* small items but special items which could be made only by certain firms. But, apart from the firms admitted, other firms which had been excluded were also employed. Thus, for instance, the Friedrich Krupp Grusenwerke A.G. at Magdeburg, Number 25, was equipped to manufacture antiaircraft guns and antiaircraft barrels from 2-centimeters to 10.5-centimeters; similarly Number 26, a firm manufacturing antiaircraft ammunition, explosives; Number 27 . . .

DR. SIEMERS: I do not think we need the details.

RAEDER: No. And then engines for which there was also a great demand.

DR. SIEMERS: I have some questions which apply to all these figures. Is this not offset to a certain extent by the fact that some of the firms admitted had already dropped out for economic reasons?

RAEDER: Yes, you can certainly say that. These firms had comparatively few deliveries which were not sufficient to keep them going.

DR. SIEMERS: Defendant, I think one not only can—I think one must—say so. May I draw your attention to Point 22, Column 3, which reads, "The list in any case is out of date, as some firms have dropped out."

RAEDER: Yes.

DR. SIEMERS: That leaves us with Numbers 29 and 30. Number 29, "Preparations in the field of experiments with motorboats." I think that these were preparations in a very small field.

RAEDER: At the moment I cannot tell you exactly what this means.

DR. SIEMERS: I do not believe in any case that the Prosecution will attach any importance to it.

Then I only want you to make a final statement on Number 30, "Probable further concrete violations becoming necessary in the near future" up to 1934 inclusively. To all intents and purposes you have already answered the question by your reference to the negotiations planned with the British Government, some of which were already in progress.

RAEDER: Yes, that was the point.

DR. SIEMERS: These are matters, therefore, which were in any case due to be discussed in the course of the negotiations with the British Government, or rather the Admiralty.

RAEDER: You cannot say that of them all. For instance, Points 1 to 3 deal with mines. The number of mines was to be increased and modern material was to replace the old. It goes on in the same way with the transfer of guns from the North Sea to the Baltic "A" batteries, not with the scrapping of guns.

DR. SIEMERS: To conclude the whole matter, may I ask you to say what impression the whole thing made on a naval expert like yourself. All things considered, would you say that these are minor violations, and how far are these violations of an aggressive nature?

RAEDER: As I said yesterday, most of them are very inadequate improvements in defense of an almost entirely defenseless position. The separate items, as I explained yesterday, are so insignificant that it is really impossible to spend very much time on them. I believe that the Control Commission also had the impression that very little weight need be attached to all these matters; for in 1925 when the Control Commission left its station at Kiel where it had worked with the organizations of the Naval Command, Commander Fenshow, Admiral Charlton's chief of staff and head of the Commission, whose main interest was guns and who had worked with a Captain Raenkel, a gunner and a specialist in these matters, said:

> "We must leave now, and you are glad that we are going. You did not have a pleasant task, and neither did we. I must tell you one thing. You need not think that we believed what you have said. You did not say a single word of truth, but you have given your information so skillfully that we were able to accept it, and for that I am grateful to you."

DR. SIEMERS: I now come to Document C-29, which is Exhibit USA-46. Mr. President, it is in Raeder's Document Book 10, Page 8 of the Prosecution's document book.

THE PRESIDENT: You mean 10a?

DR. SIEMERS: Number 10, Page 8. This document, too, was submitted during the general Indictment made by the Prosecution at the beginning of the Trial on 27 November. It consists of a speech, a document signed by Raeder, dated 31 January 1933, "General Directives for the Support of the German Armaments Industry by the Navy."

[Turning to the defendant.] The Prosecution pointed this out; and they have thought fit to conclude from it that on the day after Hitler's nomination as Chancellor of the Reich, you were already acting positively in his support through this letter. Will you define your attitude, please?

RAEDER: There is no connection whatsoever between this letter and Hitler's accession to power. You must admit that it would be

impossible to compile so long and complicated a document—which was, after all, carefully prepared—between the evening of 30 and the morning of 31 January. This document results from the hope, which I mentioned before, that already under the Papen and Von Schleicher Government the stipulations of the Versailles Treaty and the Disarmament Conference might be gradually relaxed, since the British Delegation had repeatedly said that they favored the gradual restoration of equal rights. We had, therefore, to get our industries into the best possible condition, as far as the manufacture of armaments was concerned, by increasing their output and enabling them to overcome competition.

As I say in Paragraph c of this letter, almost every country was at that time making efforts in the same direction, even those which, unlike Germany, had no restrictions imposed on them. Great Britain, France, North America, Japan, and especially Italy made the most determined efforts to gain markets for their armaments industry; and I wanted to follow them in this particular sphere. In order to do this, there had to be an understanding between the various departments of the Naval Command Staff to the effect that industry must be given support in a way which avoided the secrecy of technical matters and developments to too petty a degree. That is why I explain in Paragraph c that secrecy in small matters is less important than maintaining a high standard and keeping the lead.

I state in the final sentence:

> "To sum up, I attach particular importance to the continued support of the industry in question by the Navy, even after the expected relaxation of the present restrictions, so that the industry would command confidence abroad and would find a market."

This has nothing at all to do with Hitler nor with any independent rearmament on my own behalf.

DR. SIEMERS: Can you tell us when, approximately, you drafted these directives?

RAEDER: During the month of January. I may say that we had a conference—perhaps at the beginning of January—and after that I had it put in writing.

DR. SIEMERS: That would be certainly 2 to 3 weeks before this letter was written?

RAEDER: Yes, certainly.

DR. SIEMERS: I think it happens rarely that one receives a letter from a government office one day after its being conceived by the head of that office.

May I ask you now to tell me one thing more in connection with the "relaxation of the present restrictions." That means the relaxation of the Versailles Treaty, I presume, through the Disarmament Conference. You have mentioned that four times in this document, so that I assume that was your basis.

RAEDER: Yes, it was. The whole atmosphere at that time, under both the governments I mentioned, was such that one could expect an improvement.

DR. SIEMERS: And this was the basis for which, to quote a few names only, Stresemann, Brüning, fought.

RAEDER: Yes.

DR. SIEMERS: As they felt it their duty to take certain advance precautions?

RAEDER: Yes.

DR. SIEMERS: I think there is no need for me to go into further details. I have read this document again and again, and have been unable to find any point on which the Prosecution could base the conclusion that you had National Socialist ideas.

I now come to Document C-140. It is Exhibit USA-51, and is in the Document Book 10a, Page 104.

RAEDER: May I interrupt you, please? Would it not be appropriate that I should say now what I wanted to say to supplement the statement in C-156 regarding aircraft?

DR. SIEMERS: I apologize. It might be practicable to finish with the infringements of the Versailles Treaty before going on to another subject. I had forgotten that.

The Prosecution have submitted Document C-156. It is Captain Schüssler's book from the year 1937 and contains almost the same list of infringements as Document C-32, so that that document can be disposed of at the same time. In addition, it deals with the case of the designing office for submarines in Holland, with which we have already dealt. But there is still one point on which I should like to have your comments, and that concerns certain preparations in connection with navy aircraft which might be permitted later.

RAEDER: All sorts of preparations had been made in the field of aviation long before I came into office. A number of aircraft had been purchased, as I see from this book. They were stored with a firm called "Severa G.m.b.H.," which was known to the Reichswehrminister. The Versailles Treaty had permitted us antiaircraft guns both on ships and on the coast, as was mentioned yesterday; and for these antiaircraft, firing practice had to be arranged. The Control Commission had allowed us a certain number

of aircraft to tow the necessary targets. These aircraft were flown by ex-naval pilots employed by this company. The company, in turn, was managed by an old naval pilot.

Since we were not allowed to train naval pilots or were not allowed to have any naval air force, we gave a year's training in the civil aviation school to a number of prospective naval officers before they joined the Navy, so that through this 1-year training they developed into very good pilots. Then they joined the Navy and went through their ordinary naval training. The aircraft purchased in this way was temporarily in the possession of the "Severa," which also had a good deal to do with the Lohmann affairs and for that reason was dissolved by Reichswehrminister Gröner in the summer of 1928. Reichswehrminister Gröner established a new company with similar assignments in the autumn of 1928, soon after I assumed office. But he had signed the agreement himself in order to control the correct management of the whole affair.

In this company, in addition to their ordinary work, the Navy pilots carried out experiments in connection with the development of aircraft for a later Navy air force. We had the Government's permission to manufacture a model of every type likely to be of use, but we were not allowed to accumulate aircraft. The Government had expressly forbidden that. The result was that in the course of years the company developed a number of aircraft types which would be useful at a later date when we were once more allowed to have aircraft.

In the early period exercises in the Navy were carried out by the old naval pilots—that is to say, it was demanded that exercises in observation be taken and that the crews of ships learn how to act against aircraft. When these young naval pilots were assigned to such exercises, they were discharged from the Navy for that time. It was an awkward affair, but it was always carried out punctiliously.

DR. SIEMERS: I may now turn to Document C-140, which is in Document Book 10a, Page 104. It is a letter from Reich Defense Minister Von Blomberg dated 25 October 1933. It is addressed to the Chief of the Army, the Chief of the Navy, and the Reich Minister for Aviation.

On this document the Prosecution based their accusations that you, Witness, prepared military plans for an armed resistance which might become necessary in consequence of Germany's withdrawal from the Disarmament Conference and the League of Nations. Perhaps you can briefly state your view.

RAEDER: I had no previous knowledge of our imminent withdrawal from the League of Nations. This directive came out 11 days after we had left the League of Nations, and it merely provides

defensive measures in the event of sanctions being applied against Germany by other powers in consequence of her departure from the League of Nations. It says under 2c: "I prohibit any practical preparations in the meantime." So, at first, nothing was done in consequence of this directive, and the Reich Defense Minister merely asked for a report from me as to what should be done.

As far as I remember, no practical preparations of any kind were carried out by the Navy at the time, because the situation remained absolutely quiet and there was no reason to assume that there would be any need for defense.

DR. SIEMERS: That is probably indicated by the words under Point 2a, "Preparation for defense against sanctions." It concerns the defense only.

RAEDER: The defense only.

DR. SIEMERS: That the withdrawal from the League of Nations occurred 14 October 1933, 11 days before the document was written, is a well-known fact and has been mentioned by the Prosecution on Page 257 of the record (Volume II, Page 304).

Now we come to Document C-166. This is Exhibit USA-48. Mr. President, this is in Document Book 10, on Page 36. It is a document dated 12 March 1934. It emanates from the Command Office of the Navy and refers to the preparation of auxiliary cruisers for action. The Prosecution have quoted only the first two paragraphs of this document and have pointed out that it shows that auxiliary cruisers were to be built and describes transport ships "O" for camouflage purposes.

The two paragraphs sound incriminating, but they can very easily be explained. May I refer to Lohmann's affidavit, Document Number Raeder-2, my Document Book 1, Page 5. I refer to Paragraph II. I quote:

> "The Document C-166, submitted to me, a communication from the Office of the Naval Command of 12 March 1934, deals with the 'availability of auxiliary cruisers' which, as stated in the document, were marked as 'Transport Ships O.' These ships were not to be newly constructed but were to be selected from the stock of the German merchant marine in accordance with the demands enumerated in the document and were to be examined as to their suitability for the tasks to be assigned them. Then plans were made for reconstruction in case of necessity, but the boats remained in the merchant marine."

May I state at this point that in the English translation the word "Umbau" has been translated by the word "reconstruction." I have my doubts as to whether this is quite correct. I presume

that the interpreter has now translated it as "Umbau" accordingly. As far as I know, the German word "Umbau" only means much the same thing as the English word "changes"—that is, "Veränderung."

I continue to quote:

"The order to select such boats from German shipyards was received, among others, by the Hamburg Office of the Naval Command where I was serving at the time."

Thus far Admiral Lohmann.

Witness, is Lohmann's statement correct? Have you anything to add?

RAEDER: No. I can only emphasize again that there was no question of immediate construction but only of selecting suitable ships and examining them with a view to ascertaining the alterations necessary to enable them to function as auxiliary cruisers in the case of a general mobilization. The preparation of the plans and the plans themselves were to be ready by 1 April 1935, as laid down in Number 12. They were to be submitted to the naval administration so that in the case of mobilization the ship concerned could be taken from the stock of the merchant marine and converted.

All these proposals for mobilization were, of course, kept secret.

DR. SIEMERS: I believe, Gentlemen of the Tribunal, that the whole misunderstanding would not have arisen if the Prosecution had translated two further sentences. The English version is very short and Point 11 is missing. I quote the text of Point 11:

" 'B' is requested in co-operation with 'K,' first of all, to select suitable vessels and to ascertain how many 15-centimeter guns have to be mounted to achieve the required broadside . . ."

The word "selected" is used here so that the intention is not—as the Prosecution assert—the building of auxiliary cruisers but the making of a selection from merchant vessels.

RAEDER: Yes; and the ships continued to sail in the service of the merchant marine.

DR. SIEMERS: The second sentence, which I find has been unfortunately omitted from the English translation of the Prosecution, reads as follows:

"As long as only a restricted number of guns—at present 24—can be placed at our disposal for this purpose, preparations are to be made for only four transport ships (O). An increase of this number, presumably to six, will be postponed to a date when more guns are available. Until then we must await the results of the preparations for the first auxiliary cruisers."

The fact that only four, or at the most six, merchant navy vessels were involved shows the insignificance of the whole matter.

I now come to Document C-189, USA-44. It is in Document Book Number 10 of the British Delegation, Page 66.

I should like your comments—I beg your pardon. I should remind you that this concerns the conversation between Grossadmiral Raeder and the Führer aboard the *Karlsruhe* in June 1934.

Grossadmiral, will you please state your views on the three points mentioned in this brief document and which you discussed with Hitler in June 1934.

First question: Why was Hitler unwilling to reveal the increase in displacement of D and E—that is, the *Scharnhorst* and the *Gneisenau*—when, according to this document, these were defensive weapons and every expert would notice the increased tonnage of these ships and, as far as I know, did notice it?

RAEDER: At that time we were considering what we could do with the two armored ships D and E, after the signing of the impending naval pact with England—that is, the two ships which Hitler had granted me for the Navy in the 1934 budget. We had definitely decided not to continue building these armored ships as such, since we could make better use of the material at our disposal.

DR. SIEMERS: But surely you realized that every expert in the British or American or any other Admiralty would see on a voyage, as soon as he had sighted the ship, that the 10,000 tons had now become 26,000?

RAEDER: Yes, of course.

DR. SIEMERS: So that there was merely the intention . . .

THE PRESIDENT: Dr. Siemers, when you are examining a witness directly, you are not to ask leading questions which put into his mouth the very answer that you desire. You are stating all sorts of things to this witness and then asking him "isn't that so?"

DR. SIEMERS: I beg your pardon. I shall make every effort to put my questions differently.

RAEDER: My answer is different anyway.

DR. SIEMERS: Yes?

RAEDER: We are dealing here, in the first place, with plans. I asked permission to revise the plans for these two armored ships; first, by strengthening their defensive weapons—that is, the armor-plating and underwater compartments—and then by increasing their offensive armaments—namely, by adding a third 28-centimeter instead of 26-centimeter tower. The Führer was not yet willing

to sanction a new 28-centimeter tower because, as I said before, he did not in any circumstances want to prejudice the negotiations going on with Great Britain. To begin with, therefore, he sanctioned only a medium displacement of 18,000 to 19,000 tons; and we knew that when matters reached the stage where a third 28-centimeter tower could be mounted, the displacement would be about 25,000 to 26,000 tons.

We saw no cause to announce it at this stage, however, because it is customary in the Navy that new construction plans and especially new types of ships should be announced at the latest possible moment. That was the principal reason; and apart from that, Hitler did not want to draw the attention of other countries to these constructions by giving the figures mentioned or stating the very high speed. There was no other reason for not announcing these things.

DR. SIEMERS: I should like your comments on Number 2 of the document. That has been specially held against you by the Prosecution, because there you state the view that the fleet must be developed to oppose England later on.

RAEDER: At first—as I intended to explain later—we had taken the new French ships as our model. The French Navy was developing at that time the *Dunkerque* class with eight 33-centimeter guns and a high speed, and we took that for our model, especially since, in Hitler's opinion—as you will hear later—there was no question of arming against England. We intended to reconstruct these two armored ships on this pattern as battleships with nine 28-centimeter guns and capable of a high speed. But then we heard that the *King George* class was being designed in England with 35.6-centimeter guns and, therefore, stronger than the French type; and so I said that we would in any case have to depart from the French type eventually and follow the English model which is now being built with 35-centimeter guns.

There is an error in the translation—namely, "oppose England." It says in my text that developments should follow the lines of British developments—in other words, that we should design vessels similar in type to the English ships. But they were out of date, too, shortly afterwards, because France was then building ships of the *Richelieu* class with 38-centimeter guns. Therefore, we decided that we too would build ships with 38-centimeter guns. That was how the *Bismarck* came to be built. The word "oppose" would have been quite senseless at a time when we intended to come to an agreement with Britain on terms under which we could in no way vie with her.

DR. SIEMERS: Now we come to Point 3 of this document, which the Prosecution regard as equally important. I quote:

"The Führer demands complete secrecy with regard to the construction of U-boats—in consideration, also, of the Saar plebiscite."

RAEDER: I have already referred to the Führer's wish for secrecy in connection with both the construction of submarines and the preparations for that construction. This is one of the points on which he was most sensitive, because in no circumstances did he wish to prejudice the negotiations. He himself was generally extremely cautious during this period and would not in any circumstances do anything which might sabotage the naval pact which he was so eager to conclude.

DR. SIEMERS: I do not quite understand the reference to secrecy in connection with the construction of submarines. These were as yet not under construction, were they?

RAEDER: No. I said secrecy in connection with the preparations for the construction of submarines; that is just a short way of expressing it.

DR. SIEMERS: We now come to Document C-190, Exhibit USA-45. It is in Document Book Number 10 of the British Delegation, Page 67. This is a conversation which took place between Hitler and Raeder on 2 November 1934 aboard the *Emden*. In the document before you Hitler informs you that he considers it necessary to enlarge and improve the Navy by 1938 and that, if necessary, he would instruct Dr. Ley to place at the disposal of the Navy 120 to 150 million marks from the Labor Front.

Did you have anything at all to do with raising funds for rearmament?

RAEDER: No, not actually with the raising of funds. I applied for funds to the Reich Defense Minister, who allocated them to me for the purpose of this rearmament. I presume that this statement was made because the allocation sanctioned for the Navy appeared too small to me, and for this reason the Führer said that if necessary he would get Ley to act. This did not actually happen. I received my funds only through the Reich Defense Minister.

DR. SIEMERS: Although the charge made by the Prosecution is not quite clear to me, since it is based on Hitler's views—which have nothing to do with you—I want to come back to this sum once more. I may remind you that an armored cruiser of the old 10,000-ton class, which after all was small, cost 75 to 80 million. Could this figure of 120 to 150 million be large enough to put the Navy in a position to carry out rearmament on a large scale?

RAEDER: No, certainly not. Two battleships were also under construction, apart from those two armored cruisers. You can imagine that the costs continually increased.

DR. SIEMERS: So that this sum was not final?

RAEDER: No, it was not final.

DR. SIEMERS: Will you please go on, then, to Point 2. According to Point 2 of the document, you pointed out to Hitler during this conference that it might be necessary to assemble six submarines during the first quarter of 1935.

RAEDER: I said this because I knew that at the beginning of 1935 we were going to aim at the re-establishment of the Armed Forces; and I thought that this might create a critical situation in respect to sanctions, which Hitler always expected, too. I assume that we were talking about this and that is why I suggested that if the necessity for any special preparations should arise out of the re-establishment of the Armed Forces then six submarines should be assembled, at a date previous to their proper date of assemblage, from those parts which were obtained from abroad.

DR. SIEMERS: Did Hitler actually give the order?

RAEDER: No, the order was not given.

THE PRESIDENT: We might break off now.

[A recess was taken.]

DR. SIEMERS: I now come to Document C-159, Exhibit USA-54. This document may be found in the British Delegation's Document Book 10a, Page 110. This document is a letter written by Von Blomberg on 2 March 1936, dealing with the demilitarized zone. Did you, Witness, make lengthy military preparations for the action which took place on 7 March 1936?

RAEDER: No, I made no lengthy preparations; I heard of the plan only through this document of 2 March. I may refer you to Point 6 which says, "To preserve the peaceful character of the operation, no military security or advance measures are to be taken without my express orders." It was made clear, therefore, that the entire action was to have a peaceful character.

DR. SIEMERS: You knew nothing at all about this entire action until the beginning of March?

RAEDER: No, I believe that this action was kept especially secret.

DR. SIEMERS: Then I will turn to Document C-194, Exhibit USA-55, in the British Delegation's Document Book 10a, Page 128. This document is a communication from the High Command of the Wehrmacht to the Commander-in-Chief of the Navy dating from

1936—the wording seems to indicate 6 March 1936. It deals, therefore, with the same subject as the last document. May I have your comments.

RAEDER: The Reich Defense Minister had sanctioned a certain air reconnaissance to take place over the North Sea on 6 March—that is to say, the day before the occupation of the Rhineland. He intended to withhold his decision as to whether U-boats were also to be sent out on reconnaissance assignments in the West as far as the Texel until the next day. I thereupon issued an order on 6 March 1936 and gave special instructions . . .

DR. SIEMERS: I beg your pardon.

[Turning to the Tribunal.] I would like to point out that Raeder's order of 6 March 1936 is appended to the same document and that the text is therefore before the Tribunal.

[Turning to the Defendant.] Please go on.

RAEDER: I prepared this decree of 6 March concerning the planning of the U-boat line and the reconnaissance to take place in the German bay on 7 March. I pointed out especially that everything must be avoided which might create a false impression of the Führer's intentions and thus put difficulties in the way of this peaceful action.

DR. SIEMERS: I would like to add to your statement that these words taken from the decree of 6 March 1936 are to be found under Point 5. They are in the last two lines.

RAEDER: Those were all precautionary measures in case of a hostile counteraction.

DR. SIEMERS: Were there any preparations on a large scale?

RAEDER: No, no.

DR. SIEMERS: I come now to the two last documents dealing with the topic of the Versailles Treaty and rearmament, Document C-135, Exhibit GB-213, Document Book 10, Page 20—that is the British Delegation's Document Book 10—which is headed, "History of the War Organization"—that is, the "War Organization and Mobilization Scheme." This dates from 1938. This document was read in its entirety by the Prosecution and a very grave charge was based upon it, because the document contains a statement to the effect that Hitler had demanded that in 5 years—that is, by 1 April 1938—a Wehrmacht should be created which he could employ as a political instrument of power and also because the document mentions the Establishment Organization Plan 1938 and the Combat Organization Plan.

Considering the significance of this point, I asked Vice Admiral Lohmann for his comments on this rather technical question. We

are dealing with Exhibit Number Raeder-2, in my Document Book 2, under part III, on Page 5. I think the Prosecution have misunderstood the meaning of certain terms. The terms "Kriegsgliederung" (Combat Organization Plan) and "Aufstellungsgliederung" (Establishment Organization Plan) have been misunderstood.

I ask permission, therefore, to read this affidavit in conjunction with the documents I have submitted in evidence. I quote:

"III. Referring to Documents C-135 and C-153, Armament Plan, Mobilization Plan, Establishment Organization Plan —Aufstellungsgliederung, A.G.—and Combat Organization Plan—Kriegsgliederung, K.G. . . ."

I would like to add that C-153 and C-135 are connected. I have taken them together for the sake of simplicity. Therefore, I would like to state for the record that 153 is Exhibit USA-43 and may be found in British Document Book 10a, Page 107. It is headed, "Armament Plan (A.P.) for the Third Armament Period." It is a rather long document and is dated 12 May 1934.

I quote Lohmann's affidavit on these two documents:

"The above-named documents submitted to me deal with the Establishment Organization Plan, the Combat Organization Plan, the Mobilization Plan, and the Armament Plan. The first three plans, or orders of distribution, deal with the same matters and differ only in manner of composition. The Armament Plan differs from the other plans inasmuch as it deals with new construction and the required new materials and is hence less extensive.

"The German Navy, like the Armed Forces as a whole—and, no doubt, the Armed Forces of every nation—made such plans in order to be able, in the case of a conflict or of military complications, to prepare in time and use efficiently the means of combat available. Owing to changing conditions, military developments, changes in personnel, and advances in technique, such plans were revised every year. An essential part of these preparations, self-evident in the case of any Armed Forces, consisted of the establishment, mobilization, or combat organization, which provided a survey of all naval installations on land and sea, their local defenses, and tactical subordination—as well as of all combat material on hand or to be secured, increased, or reorganized by a specified date. All operations envisaged by the military command were based on this Combat Organization Plan, and it also served the political leaders as an indication of the possibilities according to the strength and number of the military resources available.

"The Combat Organization Plan always had to be prepared with great foresight and was issued by the High Command of the Navy generally 1½ years before it was to go into effect, in order to enable the responsible offices to attend in time to such necessary preliminaries, such as applying to the Navy Budget Office for funds and materials—such as iron, steel, *et cetera*—and for the preparation of accommodation insofar as all this was not already covered by the peacetime development of the Navy.

"In 1933, when Hitler in his Five Year Plan demanded that by 1 April 1938 an armed force should be created which he could throw into the balance as an instrument of political power, the Combat Organization Plan for 1938 was worked out independently of the scheduled yearly Combat Organization Plan, and up to 1935 it dealt mostly with the possibilities of the Treaty of Versailles which had not yet been exhausted and with the question of supplementing the naval strength with craft not subject to limitation in type or number. After the Naval Pact of 1935, the Combat Organization Plan 1938 was replaced by a "Combat Organization Plan Ultimate Goal" (K.G.Endziel), which regulated the number of warships of all types existing or to be built in the proportion of 35:100 measured by the tonnage actually existing in the English Fleet. In consideration of monetary and material resources, the capacity of the shipyards, and the length of time required to build large warships, this ultimate goal was in the meanwhile fixed for the year 1944-45.

"There remained always the possibility of postponing it further, in accordance with the building program of the English Fleet.

"The various terminologies have only a naval technical significance and do not permit conclusions as to political plans."

I would like to indicate a slight error in translation in the English text. The translation of the word "Terminierungen" by "terminology" is, in my opinion, not correct. It should probably be "dates" or "deadlines."

Witness, are Vice Admiral Lohmann's statements correct? Can you add anything to this basic point of view?

RAEDER: These statements contain everything which can be said on this matter. All these arrangements are, in my opinion, preparations which must be made by every navy if it is to be systematically equipped and made ready for operation.

It says somewhere—in Document Number C-135, Page 1, under Point 2—that, "The growing tension between Germany and Poland

forced us to make practical instead of theoretical preparations for a purely German-Polish conflict." That was interpreted to mean that at some time—I believe in 1930—we planned a war of aggression against Poland.

I testified yesterday that our main object was and had to be, nor could it have gone any further than, to oppose with force any aggression committed by Poland against East Prussia. That was the object of our work—to protect Germany from an invasion by the Poles. At that time, it would have been madness for German forces, which were still very inadequately armed, to invade Poland or any other country.

Then too, since the dates 1938 and 1944-45 constantly recur, I would like to point out again that the year 1938 first came into question as the final date for the first phase of the Shipping Replacement Plan. The last ship of this Shipping Replacement Plan was to be built from 1936 to 1938.

DR. SIEMERS: I beg your pardon.

[Turning to the Tribunal.] I would like to call your attention to the fact that this is Document Number Raeder-7.

RAEDER: *[Continuing.]* Then Hitler decreed a Five Year Plan, which happened also to cover the years 1933 to 1938 and in accordance with which the Combat Organization Plan was to be fixed for the year 1938. The Combat Organization Plan Ultimate Goal was fixed for 1944-45; and the reason for fixing this date, as stated in the document which you have just read, was the fact that in fixing our program we had to take into consideration the funds and material at our disposal, the capacity of our shipbuilding yards, and the length of time needed to build big warships. A reasonably strong fighting force could not be created before that date. Later on the Combat Organization Plan appears again in several of my letters. But there was no date given which, on our part, was intended as the appointed time of attack.

DR. SIEMERS: The statements in Document C-135 are in accordance with the German-English Naval Agreement. Is that correct?

Perhaps I did not formulate my question clearly. The statement that a new program was set up implies then that it was done in accordance with the German-English Naval Agreement?

RAEDER: Yes, of course.

DR. SIEMERS: In any case, the reference to Document C-135, Point 8, is probably to be interpreted in that way since it says, ". . . A modern fleet, bound only by the clauses of the German-British Naval Agreement."

RAEDER: Of course.

DR. SIEMERS: Now I turn to another topic and go back to the year 1933.

Grossadmiral, when did you meet Hitler, and did you have any connection with National Socialism before 1933?

RAEDER: I met Hitler on 2 February 1933 when I saw him and talked to him for the first time. It was at an evening party arranged by General Von Blomberg at the home of General Von Hammerstein, the Chief of the Army Command Staff, at which Reich Defense Minister Von Blomberg intended to present to Hitler senior generals and admirals. I shall describe the proceedings later.

Up to that time, I had had no connection whatsoever with National Socialism. I knew Admiral Von Levetzow only from the first World War. He was on the staff of Admiral Scheer whom I knew well and who had obviously met Hitler at a comparatively early date. It was through him, however, that I heard that Hitler took a very active interest in naval matters and was surprisingly well informed about them. On the other hand, I believe that Von Levetzow had also spoken to Hitler about the reputation of the Navy and his own opinion of the Navy at that time. But I had no connections beyond that.

DR. SIEMERS: What were your reasons for remaining in office in 1933, Grossadmiral, when you had no connection with National Socialism?

RAEDER: The Reich President, Field Marshal Von Hindenburg, at the same time Supreme Commander of the Wehrmacht, had appointed the leader of the largest party as Chancellor of the Reich. I think that, if I had gone to him and told him I wanted to resign—or intended to resign—because he had appointed a new Chancellor, he would quite certainly have taken it as an insult and would then really have dismissed me. I had not the slightest reason to ask my Supreme Commander to release me from my military post because he, in his capacity of Reich President, had appointed a new Reich Chancellor of whom I, perhaps, might not approve.

DR. SIEMERS: When and where did you first hear Hitler state his basic political principles?

RAEDER: I heard him for the first time on the afore-mentioned 2 February, after the dinner at General Von Hammerstein's home. I was introduced to him before dinner, and after dinner he made a speech. He was accompanied by the Minister of Foreign Affairs, Herr Von Neurath. There were no other members of the Party present.

In his speech, he first of all spoke of his career and of his social and national aims. He said that he wanted to regain equal rights

for the German Reich and that he would try to rid the country of the shackles of the Versailles Treaty and restore to Germany her internal sovereignty; and he also discussed his social aims: the establishment of true community among the people, the raising of the workers' standard of living, assistance to be given to the farmers, and the promotion of agriculture, the establishment of a labor service, and the elimination of unemployment. He specially emphasized—and this was really the main point—that both domestic and foreign policy were to be left entirely in his hands, that the Wehrmacht was to have nothing at all to do with this, that the Wehrmacht was not to be used even to deal with unrest at home, and that he had other forces to deal with these affairs. He wanted to insure an undisturbed period of development for the Wehrmacht so that it could become the factor necessary to prevent the Reich from becoming the sport of other nations; and for that reason it would be necessary in the next few years for the Wehrmacht to devote its entire attention to the preparation of its main objective, training for the defense of the fatherland in the case of aggression. The Wehrmacht would be the sole bearer of arms, and its structure would remain unaltered. He spoke of no details.

There was a comparatively large party assembled. As far as schemes for war were concerned—none was mentioned, and all those present were uncommonly pleased with this speech. He spoke with particular respect of Reich President Von Hindenburg, the Supreme Commander of the Wehrmacht, and we had the impression that he would respect this much-revered personality.

This speech was the only account of his basic principles which he gave me as Chief of the Naval Command Staff, as well as to the Chief of the Army Command Staff and others.

DR. SIEMERS: Grossadmiral, when did you report to Hitler for the first time on the Navy; and what was Hitler's general attitude on this occasion—toward the Navy in particular?

RAEDER: The first naval report I gave was a few days later in the presence of General Von Blomberg, who in his capacity of Reich Defense Minister was my superior. I cannot give the exact date, but it was shortly afterwards.

On this occasion, Hitler gave me a further account of the principles on which I was to command the Navy. I reported to Hitler first of all on the state of the Navy; on the rather slight degree to which the provisions of the Versailles Treaty had been carried out by the Navy, its inferior strength, the Shipping Replacement Plan, and incidents concerned with naval policy, such as the Treaty of Washington, the Treaty of London, 1930, the position of the Disarmament Conference. He had already been fully informed on all these matters.

He said he wanted to make clear to me the principles on which his policy was based and that this policy was to serve as the basis of long-term naval policy. I still remember these words quite clearly, as well as those which followed.

He did not under any circumstances wish to have complications with England, Japan, or Italy—above all not with England. And he wanted to prove this by fixing an agreement with England as to the strength to be allotted to the German Fleet in comparison with that of the English Navy. By so doing, he wanted to show that he was prepared to acknowledge, once and for all, England's right to maintain a navy commensurate with the vastness of her interests all over the world. The German Navy required expansion only to the extent demanded by a continental European policy. I took this as the second main principle on which to base my leadership of the Navy. The actual ratio of strength between the two navies was not discussed at the time; it was discussed later on.

This decision of Hitler's afforded extreme satisfaction both to myself and to the whole of the Navy, for it meant that we no longer had to compete senselessly with the first sea power; and I saw the possibility of gradually building up our Navy on a solid foundation. I believe that this decision was hailed by the whole Navy with joy and that they understood its significance. The Russian Pact was later greeted with the same appreciation, since the combination of the Russian Pact and the naval agreement would have been a guarantee of wonderful development. There were people—but not in the Navy—who believed that this amounted to yielding ground, but this limitation was accepted by the majority of Germans with considerable understanding.

DR. SIEMERS: Grossadmiral, what were your personal relations with Hitler? How did you judge him in the course of the years, and what was Hitler's attitude toward you?

RAEDER: I welcomed this vigorous personality who was obviously most intelligent, had tremendous will power, was a master in handling people, and—as I myself observed in the early years—a great and very skillful politician whose national and social aims were already well known and accepted in their entirety by the Armed Forces and the German people . . .

THE PRESIDENT: The Tribunal think this might be taken more shortly. We have heard it from so many of the others.

DR. SIEMERS: Yes. Is the defendant not to describe his relations with Hitler? Do the Tribunal consider them irrelevant?

THE PRESIDENT: He might do it shortly.

DR. SIEMERS: Yes. Good. Grossadmiral, please do it shortly.

RAEDER: I would just like to say what I thought of Hitler in order to make clear my reasons for not at any time leaving him, which fact the Prosecution have raised very strongly against me. His first steps in both domestic and foreign policy undoubtedly called forth admiration for his political ability and awakened the hope that, since he had taken these first steps without bloodshed or political complications, he would be able to solve in the same way any problems which might arise later.

THE PRESIDENT: We have heard this as I have pointed out—this quality or power of Hitler's ability from nearly every one of the defendants and it is very cumulative, and if this defendant wishes to say he was greatly impressed by Hitler's qualities, that is quite sufficient. All of the rest is cumulative.

RAEDER: Very well. Then I shall only say that during the early years I had no reason to wonder whether I should remain in my position or not.

DR. SIEMERS: Grossadmiral, we shall automatically come to the later complications at a later stage of the hearing.

I come now to the German-British Naval Agreement and would like to ask you briefly how this Naval Agreement of 1935 came about. I am referring to Document Number Raeder-11, Document Book 1, Page 59, which contains the Naval Agreement in the form of a communication from the German Foreign Minister to the British Government. The actual content was fixed by the British, as the first few words show:

"Your Excellency, I have the honour to acknowledge the receipt of your Excellency's note of to-day's date, in which you were so good as to communicate to me on behalf of His Majesty's Government in the United Kingdom the following":

Then come the following statements by the British:

"1. During the last few days the representatives of the German Government and His Majesty's Government in the United Kingdom have been engaged in conversations, the primary purpose of which has been to prepare the way for the holding of a general conference on the subject of the limitation of naval armaments. It now gives me great pleasure to notify your Excellency of the formal acceptance by His Majesty's Government in the United Kingdom of the proposal of the German Government discussed at those conversations, that the future strength of the German Navy in relation to the aggregate naval strength of the Members of the British Commonwealth of Nations should be in the proportion of 35:100. His Majesty's Government in the United

Kingdom regard this proposal as a contribution of the greatest importance to the cause of future naval limitation. They further believe that the agreement which they have now reached with the German Government and which they regard as a permanent and definite agreement as from to-day between the two Governments . . ."

THE PRESIDENT: This is a well-known document, and the Tribunal will take judicial notice of it, of course. It is not necessary to read it all.

DR. SIEMERS: Very well. I should nevertheless like to point out that, according to Point 2f of this document, the British Government recognized that, as far as submarines were concerned, Germany should be allowed the same number as Britain. At that time that amounted to about 52,000 tons, or rather more than 100 U-boats. The Government of the German Reich, however, voluntarily undertook to restrict itself to 45 percent of the total submarine tonnage of the British Empire.

[Turning to the defendant.] Did you and the Navy regard such considerable restrictions as the basis for Germany's peaceful development, and was it received favorably by the Navy in general?

RAEDER: Yes, as I have already said, it was received with greatest satisfaction.

DR. SIEMERS: Since a judgment formed some years ago carries more weight than a declaration made now in the course of the Trial, I wish to submit Document Number Raeder-12, Document Book 1, Page 64. This document deals with a communication made by Grossadmiral Raeder for the information of the Officers' Corps. It is dated 15 July 1935, a month after the signing of the naval agreement. Raeder says—and I quote the second paragraph:

"The agreement resulted from the Führer's decision to fix the ratio of the fleets of Germany and the British Empire at 35:100. This decision, which was based on considerations of European politics, formed the starting point of the London conferences. In spite of initial opposition from England, we held inflexibly to our decision; and our demands were granted in their entirety. The Führer's decision was based on the desire to exclude the possibility of antagonism between Germany and England in the future and so to exclude forever the possibility of naval rivalry between the two countries."

A sentence on Page 66 is also important. I wish to ask the High Tribunal to take judicial notice of the rest of it:

"By this agreement, the building-up of the German Navy to the extent fixed by the Führer was formally approved by England."

This is followed by individual statements as to tonnage.

Then I should like to call attention to the final sentence, which is indicative of Raeder's attitude at the time:

"This agreement represents a signal success in the political sphere since it is the first step towards a practical understanding and signifies the first relaxation of the inflexible front so far maintained against Germany by our former opponents and implacably demonstrated again at Stresa."

DR. SIEMERS: Grossadmiral, were the lines of peaceful development laid down by you at that time followed in the next years?

RAEDER: Yes.

DR. SIEMERS: In this connection I should like to submit Document Raeder-13. This is a document which enables me—in order to save time—to dispense with the testimony here in Court of Vice Admiral Lohmann. This document will be found in Document Book 1, Page 68, and is entitled, "The New Plan for the Development of the German Navy," and is a standard work. It is a speech made by Vice Admiral Lohmann in the summer of 1935 at the Hanseatic University in Hamburg. I ask the High Tribunal to take judicial notice of the essential points of this document; and as this is an authoritative work done at the request of the High Command, I may perhaps just quote the following. Admiral Lohmann sets forth first of all that since we now had the liberty to recruit and arm troops, the Navy was then free of restrictions, but that that was not Hitler's view. I now quote:

"The Führer, however, chose another way. He preferred to negotiate on German naval armament direct with Britain which, as our former adversary"—I beg your pardon; I am quoting from Page 70—"has tried for years to show understanding for our difficult position."

And on Page 71 Lohmann speaks about misleading reports published in the press, *et cetera,* and continues literally:

"All the more surprising, then, was the ratification of the treaty which expressed the full agreement of both governments and did not, like some armament treaties of former time, leave more embitterment than understanding in its wake. The sense of fairness which British statesmen have retained, despite the frequently dirty ways of higher politics, came through when confronted with the unreserved sincerity of the German declarations, the dignified firmness of the German representatives, and the passionate desire for peace inspiring the speeches and acts of our Führer. Unlike former times, the speeches of the British leaders expressed respect and recognition. We have acknowledged this as a sign of

honest willingness to understand. The voices from the circles of British war veterans are hardly less valuable than the attitude of the official leaders. In November 1918, for instance, when the German Fleet was taken by British squadrons to be interned in Scapa Flow, the British Commander in Chief, Lord Beatty, the great foe of our Admiral Hipper, sent the famous signal, 'Do not forget that the enemy is a contemptible beast.' This Grand Admiral expressed his dislike for Germany on many occasions, but on 26 June this same Lord Beatty stated in the House of Lords, 'I am of the opinion that we should be grateful to the Germans. They came to us with hands outstretched, announcing that they agreed to the ratio of 35:100.' If they had submitted other proposals, we could not have prevented them. We may be truly grateful for the fact that there is at least one country in the world whose competition in regard to armament we do not need to fear."

Then I should like to refer to Page 73, which limits battleships to 35,000 tons. This limitation plays a part in the Prosecution Document C-23. The fact that in this document next to the words "Panama Canal" are placed the words "battleships 35,000 tons" has a certain significance. The limitation to 35,000 tons is not so decisive and important as the Prosecution would like us to believe. This is the origin: The United States of America at that time wanted to limit the tonnage to 35,000 tons on account of the width and depth of the Panama Canal, for the Panama Canal would have had to be enlarged in order to admit ships of greater tonnage. I shall return to this point later since this limit of 35,000 tons was not maintained.

Then as evidence of the basis for comparison with German U-boats, I should like to point to Page 76 where the figure mentioned is 52,700 tons. It is a historical fact—which is set down here—that France took no part in this limitation and at that time was the strongest U-boat power with her 96,000 tons, 96 ready and 15 under construction. It is also a historical fact that Germany—and this is shown on the same page—had agreed to abolish submarines, having had to destroy 315 after the first World War.

Grossadmiral, did this accord with the British Fleet apparent in these documents show itself on another, or on any particular occasion?

RAEDER: I tried to maintain this good understanding and to express these sentiments to the British Navy as, for instance, when I was informed of the death of Admiral Jellicoe through a phone call from an English news agency. He stood against us as the head of the English Fleet in the first World War, and we always

considered him a very chivalrous opponent. Through this agency I gave a message to the English Fleet.

THE PRESIDENT: I doubt if this really has any effect on the issues we have to consider.

RAEDER: In any event, I tried to bring about a good understanding with the British Navy for the future and to maintain this good understanding.

DR. SIEMERS: On 17 July 1937 a further German-English Naval Agreement was signed. I am submitting this document as Document Raeder-14, Document Book 1, Page 81. This is a rather lengthy document only part of which has been translated and printed in the document book; and in order to understand the violation with which the Prosecution charge us, I must refer to several of the points contained in this document.

The agreement concerns the limitation of naval armaments and particularly the exchange of information on naval construction. In Article 4 we find the limitation of battleships to 35,000 tons, which has already been mentioned; and in Articles 11 and 12—which I will not read because of their technical nature but would ask the Tribunal to take note of—both governments are bound to report annually the naval construction program. This must be done during the first 4 months of each calendar year, and details about certain ships—big ships in particular—4 months before they are laid down. For a better understanding of the whole matter, which has been made the basis of a charge against the defendants in connection with the naval agreement, I may refer to Articles 24 to 26. The three articles show . . .

THE PRESIDENT: Can you summarize these articles?

DR. SIEMERS: Yes. I did not intend to read them, Your Honor. I just want to quote a point or two from them.

These articles enumerate the conditions under which either partner to the agreement could deviate from it. From the start, therefore, it was considered permissible under certain conditions to deviate from the agreement, if, for instance, (Article 24) one of the partners became involved in war, or (Article 25) if another power, such as the United States or France or Japan, were to build or purchase a vessel larger than those provided for in the agreement. In this article express reference is made to Article 4—that is, to battleships of 35,000 tons—in the case of deviation, the only obligation was to notify one's partner. Article 26 states a very general basis for deviation from the agreement—namely, in cases where the security of the nation demands it such deviation is held to be justified. No further details are necessary at this point.

SIR DAVID MAXWELL-FYFE (Deputy Chief Prosecutor for the United Kingdom): My Lord, the deviation is subject to notification of the other party under Subarticle 2. It was just relevant in Article 26—any deviation is subject to notification to the other party of the deviation to be embarked on.

THE PRESIDENT: Is it, Dr. Siemers?

DR. SIEMERS: Yes, of course. I believe . . .

THE PRESIDENT: Do the Prosecution say that this agreement was broken?

DR. SIEMERS: Yes. With reference to the remarks just made by Sir David, I would like to say that I pointed out that such deviation was permitted under these conditions, but that there was an obligation to notify the other partners. Perhaps that did not come through before.

[Turning to the defendant.] Was this agreement concluded, Admiral, in 1937, from the same point of view which you have already stated? Are there any other noteworthy facts which led to the agreement?

RAEDER: In 1936, as well as I remember, the treaties so far made by England with other powers expired, and England was therefore eager to renew these treaties in the course of 1936. The fact that we were invited in 1937 to join in a new agreement by all powers meant that Germany would henceforth be completely included in these treaties.

DR. SIEMERS: The Prosecution have accused you of violating this German-English Naval Agreement, and this charge is based on Document C-23, Exhibit USA-49, in the British Delegation's Document Book 10, Page 3. This document is dated 18 February 1938. It has been mentioned repeatedly in these proceedings and begins as follows, "The actual displacement of the battleships *Scharnhorst, Gneisenau* and *F/G* is in both cases 20 percent greater than the displacement stated to the British." Then we find a list which shows that the displacement of the *Scharnhorst* was given as 26,000 tons but was actually 31,300 tons, and that the draught stated one meter less than was actually the case. And the "F" class, that is, the *Bismarck* and *Tirpitz,* were listed as 35,000 tons but had an actual displacement of 41,700 and a difference of 80 centimeters in draught. Therefore, according to what we have seen, there is an evident infringement of the treaty. Grossadmiral, I am assuming that you do not dispute this violation of the treaty?

RAEDER: No, in no way.

DR. SIEMERS: Certainly, at the time of this document there were only four battleships in question: *Scharnhorst, Gneisenau, Bismarck,* and *Tirpitz* . . .

THE PRESIDENT: It seems you are again stating these things to the Tribunal, making statements instead of asking questions of the witness.

DR. SIEMERS: I believe, Mr. President, that I was incorporating my documentary evidence in order to show the connection, so as to make clear what we are dealing with. I was about to put the question:, Were the four battleships mentioned actually in commission when this document was drawn up?

RAEDER: No, they had not yet been commissioned.

DR. SIEMERS: None of these four battleships?

RAEDER: No.

DR. SIEMERS: If I am permitted to do so, I may say that the exact dates on which these ships were commissioned—dates which the defendant can hardly repeat from memory—can be seen from Point IV of Lohmann's affidavit, Document Number Raeder-2.

THE PRESIDENT: I think you must prove them. You cannot state them without proving them.

DR. SIEMERS: Yes, certainly, Your Honor.

I am referring to Document Number Raeder-2, which has been submitted to the Tribunal already. This is the affidavit by Lohmann, on Page 5. I quote from Document Book 1, Page 8:

"Within the limits defined by the German-English Naval Agreement, the German Navy commissioned four battleships. I append the dates of laying down the keel, launching, and commissioning, as far as I can still determine them. *Scharnhorst:* laid down keel, exact date cannot be determined; launched, 3 October 1936; commissioned, 7 January 1939. *Gneisenau:* laid down keel, date cannot be determined; launched, 8 December 1936; commissioned, 31 May 1938. *Bismarck:* laid down keel, 1936; launched, 14 February 1939; commissioned, 2 August 1940. *Tirpitz:* laid down keel, 1936; launched, 1 April 1939; commissioned, 1941."

Admiral Lohmann was unable to ascertain the exact date. The "H"—I may add that the other ships mentioned under Document C-23 were planned but were broken up later. They had already been broken up in the summer of 1939, and this applies only to the first "H." So far there is no question of final preparation or construction. Since an obvious violation of the treaty exists, we now have to consider in what light this violation should be regarded. The Prosecution have said that this violation of the treaty is criminal since it implies intended aggression. In order to save time, especially since technical problems are involved, I should like, before questioning the defendant further, to submit Document

Number Raeder-15, within the scope of the documentary evidence which I have submitted with the Tribunal's permission. In my opinion, this document proves that there was no intention of aggression.

Document Number Raeder-15 is an affidavit—I beg your pardon—it is in Document Book 1, Page 94. This document deals with an affidavit deposed before a notary at Hamburg by Dr. Ing. h.c. Wilhelm Süchting and is important for the refutation of Document C-23, and for that purpose I should like to quote:

"I am the former Director of the shipbuilding yard of Blohm & Voss in Hamburg. I was with this firm from 1937 to 1945"—pardon me—"from 1907 to 1945 and I am conversant with all questions concerning the construction of warships and merchant ships. In particular, as an engineer I had detailed information about the building of battleships for the German Navy. Dr. Walter Siemers, attorney at law of Hamburg, presented to me the Document C-23, dated 18 February 1938, and asked me to comment on it. This document shows that the Navy, contrary to the previous agreement, informed the British that the battleships *Scharnhorst* and *Gneisenau*—as well as other intended constructions—had a displacement and draught of about 20 percent less than was actually the case.

"I can give some details to explain why this information was given. I assume that the information given to the British—information which according to naval agreement 4 had to be supplied 4 months before the keel was laid down—was based on the fact that the battleships *Scharnhorst* and *Gneisenau* were originally intended to have a displacement of 26,000 tons and a draught of 7.50 meters and the battleship "F" (*Bismarck*) a displacement of 35,000 tons and a draught of 7.90 meters, as stated.

"If these battleships were afterwards built with a greater displacement and a greater draught, the changes were the result of orders given or requests made by the Navy while the plans were being drafted and which the construction office had to carry out. The changes were based upon the viewpoint repeatedly expressed by the Navy—namely, to build the battleships in such a way that they would be as nearly unsinkable as possible. The increase of the tonnage was not meant to increase the offensive power of the ship"—I beg your pardon, Mr. President. I shall be finished in a moment—"The increase of the tonnage was not meant to increase the offensive power of the ship but was done for defensive and protective purposes."

I may perhaps point out that in the English text there is a mistake in translation. In this text the word "not" is missing. It should read, "was not meant," and not "meant."

"As time went on, the Navy attached more and more importance to dividing the hull of the battleship into a greater number of compartments in order to make the ship as unsinkable as possible and to afford the maximum protection in case of leakage. The new battleships were therefore built broad in the beam with many bulkheads, only about ten meters apart, and many longitudinal and latitudinal bulkheads outside the torpedo bulkhead. At the same time, both the vertical and the horizontal armor-plating were, as far as my information goes, heavier and composed of larger plates than those used by other navies. In order . . ."

THE PRESIDENT: In other words, his explanation is that they were altered in the course of construction for technical reasons. It does not matter what the technical reasons are.

DR. SIEMERS: I beg your pardon, Mr. President, but I do believe that when we are dealing with a clearly-established violation of a treaty, the manner of this violation is of some importance. I do not believe that each and every violation of a treaty can be described as a war crime. The point is whether this violation of the treaty was a war crime in the sense of the Charter—in other words, whether it was motivated by the intention of waging a war of aggression. An insignificant violation of a kind which, after all, is found in every commercial lawsuit cannot be a crime.

THE PRESIDENT: The affidavit is before us. We shall read it. In fact, you have already read the material parts of it.

Now, I think we had better adjourn. How long do you expect to be?

DR. SIEMERS: Mr. President, it is very difficult for me to judge that accurately, but I imagine I shall be able to conclude sometime tomorrow. I hope, Mr. President, that I shall be able to conclude at noon; but I am asking Your Honor to take into consideration the fact that I am incorporating my documentary proof in the interrogation and that this documentary proof, which in many other cases has taken hours to present, is thus dealt with simultaneously.

THE PRESIDENT: The Tribunal hope that you will make your presentation as short as you possibly can. We have already been so long a time over this defendant.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. SIEMERS: Mr. President, I must first make a formal request, namely, that in addition to my own secretary I may have another here in Court. She was here this morning but has just been told that she may not come into the courtroom, and she is now standing outside the door.

THE PRESIDENT: All right.

[The Defendant Raeder resumed the stand.]

DR. SIEMERS: Herr Grossadmiral, you just saw the affidavit of Dr. Süchting. I ask you: Is it true, or rather—not to confuse you I will ask—on what did the Navy base its ideas about enlarging the battleships by about 20 percent?

RAEDER: Originally there was no intention to enlarge the ships by 20 percent. But at the time when we resumed battleship construction, when we could see that we would have a very small number of battleships in any case, it occurred to us that the resistance to sinking of ships should be increased as much as possible to render the few we had as impregnable as possible. It had nothing to do with stronger armament or anything like that, but merely with increasing the resistance to sinking and to enemy guns. For this reason a new system was worked out at that time in order to increase and strengthen the subdivision of the space within the ship. This meant that a great deal of new iron had to be built into the ships. Thereby the draught and the displacement were enlarged. This was unfortunate from my point of view, for we had designed the ships with a comparatively shallow draught. The mouths of our rivers, the Elbe, Weser, Jade, are so shallow that ships with a deep draught cannot navigate all stages of the rivers. Therefore, we had these ships built broad, intending to give them a shallow draught; but by building in these many new latitudinal and longitudinal bulkheads, we increased the draught and also the displacement.

DR. SIEMERS: Were these disadvantageous changes, which took place during construction, due in part to a comparatively limited experience in battleship construction?

RAEDER: Yes. Since the designers in the High Command of the Navy and the designers and engineers in the big shipyards had not built any heavy warships for a very long time, they lacked experience. As a result, the High Command of the Navy had to issue supplementary orders to the shipyards. This in itself was a drawback which I tried hard to overcome.

DR. SIEMERS: Did the construction of these four battleships surpass the total tonnage accorded by the naval agreement?

RAEDER: No, the total tonnage was not overstepped until the beginning of the war.

DR. SIEMERS: Your Honors, in this connection I should like to refer to Document Raeder-8, which has already been submitted in Raeder Document Book 1, Page 40, under II. In this affidavit Lohmann gives comparative figures which show how much battleship tonnage Germany was allowed under the naval agreement. Please take notice of it without my reading all the figures. What is important is that, according to comparison with the British figures, Germany was allowed to have 183,750 tons. At that time she had three completed armored cruisers with 30,000 tons—which is shown here—so that according to this affidavit 153,750 tons still remained.

With reference to Document Raeder-127, I should like to submit a short correction, because Grossadmiral Raeder, in looking through the affidavit, observed that Vice Admiral Lohmann made a mistake in one figure. The mistake is unimportant in terms of the whole, but in order to be absolutely fair and correct I thought it necessary to point it out to Vice Admiral Lohmann. Instead of 30,000 it should actually read about 34,000 tons, so that there is a difference, not of 153,750 tons but of 149,750. According to the naval agreement, we were allowed to build 146,000, the final figure, so that the result is not changed. Admiral Lohmann's mistake—as the Tribunal know—can be attributed to the fact that we were very limited in our material resources.

RAEDER: May I add a remark to what I said before? The statement of these displacements deviated from the terms of the treaty insofar as only the original construction displacement or draught was reported and not the draught and displacement which gradually resulted through these changes in the course of the planning of the construction.

DR. SIEMERS: In addition, may I refer the honorable Court to the following: The Naval Agreement of 1937 was changed by the London Protocol of 30 June 1938. I refer to Exhibit Raeder-16. My secretary just tells me it is not here at the moment; I will bring it up later. It is the last document in Raeder Document Book 1, Page 97.

May I remind the Court that Document C-23 is of February 1938. By this London Protocol, at the suggestion of the British Government, the limitation on battleship tonnage to 35,000 tons was changed because the British Government, as well as the German Government, realized that 35,000 tons was too low. As the protocol shows, effective 30 June 1938, the battleship tonnage was raised to 45,000 tons. Thereby this difference in the battleships, referred to in Document C-23, was settled a few months later.

Now, I shall take up a new subject, the question of your participation in the planning and conspiracy to wage wars of aggression. This is the question of the so-called key documents which the Prosecution presented. Since you, Admiral, were present during these speeches of Hitler's to the commanders-in-chief, I must ask you to comment on these documents. The first document is Document 386-PS, the so-called Hossbach Document, Exhibit USA-25, in the Document Book of the British Delegation, Number 10, Page 81. It is Hitler's speech of 5 November 1937.

Herr Grossadmiral, did you ever see this document of Hossbach before the Trial began?

RAEDER: No, I saw no document and no protocol of any speeches which Hitler made. No minutes were taken officially. Only in later years—I believe since 1941—were stenographers present who wrote down every word. These are really not minutes at all, since the document is written in indirect discourse. It was written down by the author 5 days after the speech itself, as we have heard.

DR. SIEMERS: Although it is a very important document, I have noted that in contrast to other documents it has no distribution list; it was written down 5 days after the speech and is not even marked "secret." Can you explain where these minutes were set down?

RAEDER: I cannot recollect in detail the conditions that prevailed. I can only imagine that the adjutant in question kept the minutes in his safe.

DR. SIEMERS: Then you have only an over-all impression of this speech, after 8 or 9 years?

RAEDER: Yes.

DR. SIEMERS: The document was read in full here by the Prosecution and, as cannot be denied at all, it contains serious references to a war of aggression. It mentions, for instance, something bequeathed by will, the problem of space, the hatred against England and France; it says that, armament now being completed, the first goal is the overthrow of Czechoslovakia and Austria.

Please explain to the Court what effect the speech had on you at that time, and how it happened that you ascribed no such importance to the speech as did Herr Von Neurath, for example, who was also present? And in spite of the speech how did you retain your opinion that Hitler would hold the old line and not seek a solution by force?

RAEDER: By way of introduction I may say that the assertion contained in the trial brief, that an influential group of Nazis met

in order to examine the situation, does not give a correct picture of the situation at all. Hitler called together the persons mentioned in the document to explain to them the possibilities for political development and in order to give them any instructions he might have.

And here I should like to say something in general—since there are quite a number of Hitler's speeches coming—about the nature of his speeches. Hitler spoke at great length, going very far in retrospect. Above all, in every speech he had a special purpose depending on the audience. Just as he was a master of dialectics, so he was also a master of bluff. He used strong expressions again according to the objective he was pursuing. He afforded his imagination full play. He also contradicted himself frequently in successive speeches. One never knew what his final goals and intentions were. At the end of such a speech it was very difficult to determine them. As a rule, his speeches made a greater impression on people who heard him infrequently than on those already acquainted with his whole manner of speaking on such occasions. It was never a question of taking counsel but, as has been said, always of giving undisputed orders.

The purpose of the speech on 5 November 1937 was, as Reich Marshal Göring said at the beginning...

DR. SIEMERS: Excuse me. That is at the beginning of this speech of 5 November?

RAEDER: Yes, at the beginning of the speech.

He told me he had spoken with the Führer beforehand. The Führer wanted to spur on the Army to carry out its rearmament somewhat faster. It was going too slowly for the Führer. The subject of the speech was Austria and Czechoslovakia, which he said in one place he wanted to overthrow. He said that the latest date would be 1943-1945, because after that our situation would become worse. But the case could come up earlier due to two conditions: In the first place, if internal unrest occurred in France; in the second place, in the event of the outbreak of a Mediterranean war in which England, France, Italy, and probably Spain, would participate, which in my opinion was fantastic.

The assertion that the arming of the Army, Navy, and Air Force was as good as completed in November 1937, I could not understand. The Navy still had not a single battleship in service. The situation was similar in the Air Force and Army. In no way were we armed for war, and a war against England, for example, would have been sheer madness. For me, the decisive sentences in his speech were that first, England and France—I believe—had already written off Czechoslovakia, and secondly, that he was convinced

that France and England would not interfere. In the third place was the fact that just a few months before, in July 1937, the second naval agreement had been signed. These three facts seemed to me to make it certain that Hitler would not seek a warlike solution to these problems of Austria and Czechoslovakia. At that time it was a question of the Sudetenland under any circumstances and it seemed he would strive for a peaceful solution. For that reason the speech did not impress me with the fact that Hitler at that time wanted to change his policy—that he wanted to turn from a policy of peace to one of war. I can imagine that Herr Von Neurath, not knowing the purpose of this speech, received a different impression. But, as I now think back over the matter, I can imagine that the exaggerated character of the speech was specifically intended to force Von Neurath out of the Cabinet, because I have learned that at that time the Führer was already inclined to replace Von Neurath by Von Ribbentrop. That was only an assumption which I made afterwards.

For me the conclusions to be drawn from the speech were none other than these: The construction of the fleet in the ratio of one to three, relative to England, was to be continued, and a friendly relationship with England was still to be striven for. The ratio agreement which had just been reached was to be observed.

DR. SIEMERS: And, it is obvious at the end of the document—namely, in the fourth paragraph from the end—that Field Marshal Von Blomberg and Colonel General Von Fritsch, in giving their estimate of the situation, repeatedly pointed out the necessity of England and France not playing the role of our enemies. This is commented on further, and one sees that Blomberg and Fritsch were disturbed and for once opposed Hitler.

After the speech you talked to Blomberg. Is it true that Blomberg, who can unfortunately not be examined and Fritsch, who is also dead, saw through this exaggeration of Hitler's and therefore pointed out their misgivings and in this way intended to intervene? About what did you talk to Blomberg after this speech?

RAEDER: In the first place, Blomberg and Fritsch . . .

THE PRESIDENT: You must try not to put leading questions, Dr. Siemers. You are putting into the witness' mouth what you want him to answer. If you want to . . .

DR. SIEMERS: I am sorry if I did so. It is a little difficult when the two men who were there, Blomberg and Fritsch, are dead. I can only point out that they are not alive now. My final question is . . .

THE PRESIDENT: That cannot be helped, the fact that they are dead. But, if you want to get anything in about that, you must get it from the witness, not from yourself.

DR. SIEMERS: What impression did Blomberg have after this speech? What did he say to you afterwards?

RAEDER: I believe Blomberg himself in a questionnaire stated to Field Marshal Keitel that when we military men left the room Blomberg, who was with the Führer frequently, said that this again had not been meant so earnestly and was not to be judged so seriously. He believed that the Führer would settle these questions peacefully, too. And as Dr. Siemers said, Blomberg and Fritsch had both already called the attention of the Führer to the fact that under no circumstances should England and France be allowed to intervene, since the German Wehrmacht would not be able to cope with them.

I may add that in this case I intentionally did not make any such objections because it was, after all, a daily occurrence that whenever I met the Führer, I told him, "*Ceterum censeo,* we must stay on the course in order to avoid entanglements with England." And the Führer repeatedly confirmed this intention of his. It is typical that as soon as the Commander-in-Chief of the Army, Colonel General Von Fritsch, said that after these remarks he would not be able to take the vacation in Egypt in the winter of 1937-38 which he had planned for his health, the Führer immediately retracted his statement and said that the affair was not so urgent, that he could go ahead on his vacation undisturbed, which he then did.

This shows that it was again a question of exerting pressure. That was the speech of 5 November 1937. In fact he did not crush either Austria or Czechoslovakia at that time; but in 1938 the question was settled peacefully without bloodshed, and even with the agreement of the other powers.

DR. SIEMERS: In this connection may I submit the document dating from the following year, Exhibit Raeder-23, Raeder Document Book 2, Page 127. On 30 September 1938—I need not say anything further about Munich, because the defendant was not directly participating—Hitler and Chamberlain jointly declared that the agreement signed the previous night and the Anglo-German Naval Agreement were considered symbols of the desires of both nations never again to wage war against each other. The rest of the contents is well known.

Then I come to the second key document which the Prosecution submitted—namely, Document L-79, the so-called "Little Schmundt.' It is Exhibit USA-27, Number 10 in the document book of the British Delegation, Page 24. The document in spite of its astonishing length was also presented in full by the Prosecution, so that I shall not read from it. May I remind the Court that it states that further successes could not be achieved without bloodshed, and

on 23 May 1939 with reference to Poland it states that not Danzig but the readjustment of Lebensraum was the issue at stake.

It speaks of the readjustment of Lebensraum and of the fact that the Polish problem could not be separated from the conflict with the West. Thereupon Hitler said that the only way out was to attack Poland at the first suitable opportunity. Unfortunately, this is again a document which is undated.

Do you know when Lieutenant Colonel Schmundt prepared this report?

RAEDER: No, unfortunately I cannot say that.

THE PRESIDENT: Why do you say it is undated?

DR. SIEMERS: Mr. President, there is no date stating when the document was prepared. There is only the date referring to the minutes of the conference of 23 May. In the case of the Hossbach Document the conference was on 5 November, but it was written down by Hossbach 5 days later from memory, on 10 November. In the case of Schmundt, we do not know whether it was written down after 1 day, 5 days, or 4 weeks.

THE PRESIDENT: Is it in evidence that the document of 5 November was written down 5 days later?

DR. SIEMERS: No. The document of 5 November shows that it was prepared 5 days later. The document is dated at the top, "Berlin, 10 November 1937; Notes of the Conference in the Reich Chancellery on 5 November 1937. . . ."

THE PRESIDENT: Well, that is right, then there is evidence.

DR. SIEMERS: *[Turning to the defendant.]* In the case of Schmundt, there is no indication?

RAEDER: No.

DR. SIEMERS: You do not know when it was written down?

RAEDER: No, I never heard when.

DR. SIEMERS: Did you ever see this document before this Trial?

RAEDER: No.

DR. SIEMERS: Does this document contain a correct reproduction in all points of Hitler's speech, or does what you said about the Hossbach Document apply here also?

RAEDER: It applies even more here. In my opinion it is the most abstruse document concerning a Hitler speech in existence, for a large part of the statements in my opinion makes no sense whatsoever, as I have tried to show. The adjutant stated that he was only paraphrasing.

DR. SIEMERS: This is on the first page in the center where it is written, "Reproduced in Substance."

Please explain to the Court what impression this speech made on you at the time and why you believed, in spite of this speech, that Hitler was not planning any war of aggression.

RAEDER: I should like to point out again here that the trial brief makes the comment that consultation took place regarding the scale on which the plan should be executed. Particularly in this case this does not at all represent the character of the speech correctly. The meaning of the whole first part of the speech, as I said, is extremely vague. Whereas in the 1937 speech he gave 1943 to 1945 as the latest deadline and the possibility of an earlier date under certain improbable circumstances, here Hitler speaks of a solution as being possible in 15 to 20 years. He says that Poland is always on the side of the enemy, in spite of the treaty of friendship, that her secret intention is to take advantage of any opportunity to act against us, and that he, therefore, wants to attack Poland at the first opportunity. The Polish problem cannot be separated from the conflict in the West, but a conflict in the West must not be permitted to arise simultaneously. If it is uncertain as to whether a war with the West will or will not take place in the wake of the German-Polish conflict, then a line of battle first against England and France is perhaps of greater importance. Then again, he says that we cannot allow ourselves to be drawn into a war with England on account of Poland, a war on two fronts such as the incapable men of 1914 had brought about.

Then again, England—and that is comparatively new here—is the driving force against Germany. We must prepare for a long war in addition to a surprise attack, obviously against England. It is astonishing that we were to endeavor, at the beginning of such a war, to strike a destructive blow against England. The goal is to force England to her knees. Then follows quite a new part...

THE PRESIDENT: Dr. Siemers, the defendant appears to be reading from a document an argument about this document. That is not giving evidence. If he can tell us anything about what happened at this meeting, it is open to him to do so.

DR. SIEMERS: He is repeating, with the aid of this document, the involved thoughts which Hitler expressed at that time, and he is pointing out the contradictions contained in Hitler's speech at that time.

THE PRESIDENT: That is a matter of argument, to point out that there are conflicts between one part of the document and another. That is not the subject of evidence. He has already told us that Hitler's speeches generally were—that one speech generally contradicted another, but we can see for ourselves from the document if one part of it conflicts with another.

DR. SIEMERS: Is it not of importance, Mr. President, that the abstruse statements of Hitler at that time had such an effect on the witness that he says so and so many points are false? Then the whole tendency which we read out of it cannot be true. As I understand the witness, Hitler must have had mental reservations back of such conflicting remarks to commanders. But I believe we can shorten this.

Herr Grossadmiral, according to the wish of the Court, just explain what the effect was on you and what in your opinion were the special designs connected with this document.

RAEDER: By contrasting these sentences, I wanted only to show how muddled the speech was. At the end there is a second part in which a number of doctrinaire, academic opinions on warfare are expressed and a conclusion to the effect that it was also a wish of Hitler to have formed in the OKW a research staff to work out all these plans for war preparation, evaluation of individual weapons, *et cetera,* without the participation of the general staffs, with which he did not like to collaborate. He wanted these things to be in his own hands. Thus it was the formation of a research staff which motivated this speech.

THE PRESIDENT: Dr. Siemers, I have already told you that the Tribunal thinks that argument is not evidence. This seems to be purely argument upon this document. If there is anything in the shape of recollection as to what passed at this meeting, that would be evidence; but merely to argue upon the document is not in evidence.

DR. SIEMERS: Mr. President, may the witness not say what effect Hitler's processes of thought had on him? The Prosecution say that Hitler and Raeder entered upon a conspiracy together.

THE PRESIDENT: He can say he did not understand it or did not think it was sincere.

DR. SIEMERS: In this connection I should like to point out that the witness referred to this point because this is the only passage from this document which the Prosecution have not read. In this document the sentences about the research staff, as I noticed immediately, were not read. This research staff was what Hitler wanted to obtain.

Herr Grossadmiral, after this speech, was anything changed in your department?

RAEDER: No. The conclusion drawn was: First, that the ship construction program was to be continued in the same way as in the past—so Hitler himself said—and in the second place, he said that the armament programs were to be geared for the year

1943-1944. That was the positive thing which I could conclude for myself.

At that time, moreover, I was strongly impressed by the speech which Hitler himself made at the launching of the battleship *Bismarck* in Hamburg. There he said that the Wehrmacht, as the keenest instrument of war, had to protect and help to preserve the peace founded on true justice. That made the greatest impression on me at that time with regard to Hitler's intentions.

DR. SIEMERS: Was the fleet at that time in a position to do this?

RAEDER: No. It was completely incapable.

THE PRESIDENT: Dr. Siemers, if there are any passages in this document which have not been read and to which you attach importance, you may read them now; and for the rest, all that the Tribunal thinks you ought to do is to ask the defendant what his recollection was or what happened at that meeting, and if he can supplement the document as to what happened at the meeting, he is entitled to do so. The Tribunal does not intend to prevent your reading anything from the document which has not yet been read nor from getting from the witness anything which he says happened at the meeting.

DR. SIEMERS: Mr. President, I understood the witness to mean that he recalled the research staff which the Prosecution had not mentioned. Thus it came about that the witness, since he too knows the document, at the same time pointed out that the research staff was also mentioned in the document. I believe that can explain the misunderstanding. The situation is clear to me, and perhaps I may read this sentence in that connection.

THE PRESIDENT: Yes, certainly.

DR. SIEMERS: Under Number 3, toward the end of the Document L-79, it says:

"To study weak points of the enemy.

"These studies must not be left to the general staffs. Secrecy would no longer be guaranteed. The Führer has, therefore, decided to order the formation of a small research staff within the OKW composed of representatives of the three branches of the Wehrmacht and, as occasion arises, the three commanders-in-chief—that is to say, general staff chiefs.

"The staff shall keep the Führer constantly informed.

"The research staff shall undertake the planning of operations from the theoretical side and the preparations which of necessity arise therefrom . . ."

THE PRESIDENT: Wait a minute. A passage is left out in the English translation. The copy I have before me says, "These studies

must not be left to the general staffs; secrecy would no longer be guaranteed." And then it goes on, "This staff shall keep the Führer informed and shall report to him." I do not think it is very important. Go on.

DR. SIEMERS: Apparently the paragraph about the research staff in the Armed Forces High Command was left out in the English. Continuing the document:

> "The purpose of certain regulations concerns no one outside the staff; however great the increase in armament of our adversaries may be, they must at some time come to the end of their resources and ours will be greater. The French have 120,000 men in each class! We shall not be forced into a war, but we shall not be able to avoid one."

This research staff, in effect, eliminated the commanders-in-chief and that was what Hitler wanted to achieve.

If I am correctly informed, the rest has been read by the Prosecution—namely, the subsequent aim and the principle, to be specific, the well-known order to keep everything secret and, at the end, that which the witness remembered, that the shipbuilding program should not be changed and the armament program should be fixed for 1943-1944.

[Turning to the defendant.] Had Hitler at this time intended a war of aggression, would he have had to speed up any particular part of the Navy's armament?

RAEDER: Yes, indeed. He would have had to speed up all naval construction.

DR. SIEMERS: Would not the construction of submarines especially have had to be speeded up?

RAEDER: Yes, of course, particularly because they could be built most quickly.

DR. SIEMERS: How many submarines did you have at this time?

RAEDER: I cannot say exactly. I think about 26.

DR. SIEMERS: If I remember rightly, Admiral Dönitz has already answered that there were 15 capable of sailing in the Atlantic—by the way, there were altogether 26.

RAEDER: Yes.

DR. SIEMERS: Admiral, in the winter of 1938-1939, did you have a talk with Sir Nevile Henderson on relations between Germany and England?

RAEDER: Yes, a very short talk at an evening reception in the Führer's house, where I stood near Ambassador Henderson and Herr Von Neurath, and wherein the question was discussed—it was

brought up by me—as to whether England had not welcomed Germany's offer to set the proportion of strength at 1 to 4 and would not draw certain conclusions from this reciprocal relationship. Ambassador Henderson answered, without anyone else having brought up this question, "Yes, that would be shown in the future when the colonial question was settled." I later reported this answer to the Führer in order to use it to maintain a friendly policy toward England.

DR. SIEMERS: We are now at the summer of 1939. Admiral, in the course of the summer, after the speech of 23 May 1939, did you talk to Hitler in view of the generally known danger of war, and what did he tell you?

RAEDER: Whenever I talked to the Führer, I always brought up the question of England, whereby I annoyed him to a certain extent. I tried to convince him that it would be possible to carry out the peace policy with England which he himself had urged at the beginning of his regime. Then he always reassured me that it remained his intention to steer a policy of peace with England, always leaving me in the belief that there was no danger of a clash with England—in any case, that at this time there was no such danger.

DR. SIEMERS: Now I come to the third key document—namely, Hitler's speech before the commanders-in-chief on 22 August 1939, at Obersalzberg. There are two documents: Document 1014-PS and Document 798-PS. Document 1014-PS is Exhibit USA-30, in Raeder Document Book 10a, Page 269; and Document 798-PS is Exhibit USA-29, in Document Book 10a, Page 266. In regard to this Document 1014-PS, which I have here in the original in the form submitted by the Prosecution, I should like to make a formal request. This Number 1014-PS was read into the record in the afternoon session of 26 November 1945 (Volume II, Page 286). I object to the use of this document. I request that this document be stricken from the trial record for the following reason...

THE PRESIDENT: What document are you speaking about now, 1014-PS?

DR. SIEMERS: In Raeder Document Book 10a, Page 269, Exhibit USA-30.

THE PRESIDENT: Very well, what are your reasons?

DR. SIEMERS: The deficiencies which were already mentioned in the other transcripts are much greater here. This document is nothing but two pieces of paper headed "Second Speech by the Führer, on 22 August 1939." The original has no heading, has no file number, no diary number, and no notice that it is secret; no signature, no date, no...

THE PRESIDENT: The Tribunal would like to look at the original. Yes, Dr. Siemers.

DR. SIEMERS: It has no date, no signature—in the original in the folder, it has no indication of where the document comes from. It is headed "Second Speech . . ." although it is certain that on this date Hitler made only one speech, and it is hardly 1½ pages long, although . . .

THE PRESIDENT: When you say it has no date, it is part of the document itself which says that it is the second speech of the Führer on the 22d of August 1939.

DR. SIEMERS: I said, Mr. President, it has a heading but no date.

THE PRESIDENT: But you said it has no date.

DR. SIEMERS: It has no date as to when these notes were put in writing. It has only the date of when the speech is supposed to have been made. On all documents which the Prosecution submitted, also in the case of minutes, you will find the date of the session and the date on which the minutes were set up; also the place where the minutes were set up, the name of the person who set it up, an indication that it is secret or something like that. Furthermore, it is certain that Hitler spoke for 2½ hours. I believe it is generally known that Hitler spoke very fast. It is quite out of the question that the minutes could be 1½ pages long if they are to give the meaning and the content, at least to some extent, of a speech which lasted 2½ hours. It is important—I may then refer to still another point. I will submit the original of Document 798-PS afterwards. I am no expert on handwriting or typewriters, but I notice that this document, which is also not signed, whose origin we do not know, is written on the same paper with the same typewriter.

THE PRESIDENT: You say we do not know where it has come from—it is a captured document covered by the affidavit which was made with reference to all other captured documents.

DR. SIEMERS: Well, but I would be grateful to the Prosecution if, in the case of such an important document, the Prosecution would be kind enough in order to determine the actual historical facts to indicate more exactly where it originates. Because it is not signed by Schmundt or Hossbach or anyone and has no number, it is only loose pages.

THE PRESIDENT: I do not know whether the Prosecution can do that, but it seems to me to be rather late in the day to ask for it.

MR. THOMAS J. DODD (Executive Trial Counsel for the United States): Mr. President, I do not know what the exact origin of this document is offhand, but I expect that we could probably get some

information before the Tribunal if the Tribunal wishes us to do so. But as the President pointed out, it is a captured document and everything that counsel says about it seems to go to its weight rather than to its admissibility.

THE PRESIDENT: The Tribunal would like to know where the document was found, if that is possible.

MR. DODD: I will make an effort to find that out.

DR. SIEMERS: Mr. President, Mr. Dodd just pointed out that my objection comes rather late. I believe I recall correctly that repeated objections were raised...

THE PRESIDENT: I think it was I who pointed it out, not Mr. Dodd.

DR. SIEMERS: Excuse me. I believe I recall correctly that the Defense on several occasions raised objection during the Prosecution's case, and it was said that all statements could be made during the Defense's case at a later time—namely, when it is the defense counsel's turn to speak.

THE PRESIDENT: I only meant that it might not be possible at this stage to find out exactly where the document came from, whereas, if the question had been asked very much earlier in the Trial, it might have been very much easier. That is all I meant. Have you anything more to add upon why, in your opinion, this document should be stricken from the record?

DR. SIEMERS: I should like to point out, Mr. President, that I do not do it for formal reasons but rather for a very substantial reason. Most important words in this document have constantly been repeated by the Prosecution during these 5 or 6 months—namely, the words "Destruction of Poland, main objective... Aim: elimination of vital forces, not arrival at a certain line." These words were not spoken, and such a war aim the German commanders-in-chief would not have agreed to. For that reason it is important to ascertain whether this document is genuine.

In this connection, may I remind the Court that there is a third version of this speech as mentioned in this courtroom—namely, Document L-3, which is even worse than these and which was published by the press of the whole world. Wherever one spoke to anyone, this grotesque and brutal speech was brought up. For that reason it is in the interest of historical truth to ascertain whether Hitler spoke in this shocking way at this time. Actually, I admit he used many expressions which were severe, but he did not use such words, and this is of tremendous significance for the reputation of all the commanders who were present.

Let me point out the next words. They say expressly, "close your hearts against pity, brutal measures." Such words were not

used. I will be in a position to prove this by another witness, Generaladmiral Böhm.

I therefore request the Court to decide on my request for striking this document from the record. I should like to point out that the document is mentioned in the record at many points. Should the honorable Court so wish, I would have to look for all the points. I have found only four or five in the German record. If necessary, I would give all the points in the English record. It was submitted on 26 November 1945, afternoon session (Volume II, Page 286).

THE PRESIDENT: I do not think you need bother to do that. You are now only upon the question of whether the document should be stricken from the record. If it were to be stricken from the record, we could find out where it is. Is that all you wish to say?

DR. SIEMERS: One question to Admiral Raeder.

The words which I just read, "brutal measures, elimination of vital forces"—were these words used in Hitler's speech at that time?

RAEDER: In my opinion, no. I believe that the version submitted by Admiral Böhm, which he wrote down on the afternoon of the same day on the basis of his notes, is the version nearest to the truth.

DR. SIEMERS: Mr. President, in order to achieve clarity on this question, I submit as Exhibit Raeder-27, in Raeder Document Book 2, Page 144, an orderly reproduction of this speech.

RAEDER: May I also have Document Book 2?

DR. SIEMERS: This is the speech according to the manuscript of Generaladmiral Hermann Böhm. Generaladmiral Böhm was present at Hitler's speech on 22 August 1939 at Obersalzberg. He made the notes during the speech. He transcribed them in the present form on the same evening—that is, on 22 August 1939—in the Vier Jahreszeiten Hotel in Munich. I have certified the correctness of the copy. The original is in the handwriting of Generaladmiral Böhm. Böhm has been called by me as a witness for various other questions. He will confirm that the speech was made in this form as I have submitted here. A comparison of the two documents shows that all terms, such as "brutal measures," are not contained in this speech. It shows further . . .

SIR DAVID MAXWELL-FYFE: Surely this part of Dr. Siemers' argument must go to weight. He has said that a comparison of the two documents shows such and such. I have just looked at the end of Admiral Böhm's affidavit and it contains, I should argue, every vital thought that is contained in Document 1014-PS. But whether it does or not, that is a matter of weight, surely. We

cannot, in my respectful submission, go into intrinsic comparisons to decide the admissibility of the document. As I say, on that I should have a great deal to say by comparing the documents in detail. That is not before the Tribunal now.

THE PRESIDENT: Yes. The Tribunal was only wanting to hear whatever Dr. Siemers has got to say upon the subject.

DR. SIEMERS: A comparison of the document with Document 798-PS, in the longer and better version, as the Prosecution submitted . . .

THE PRESIDENT: Dr. Siemers, as Sir David Maxwell-Fyfe has just pointed out, a mere comparison of the documents—of the two or three documents does not help us as to its admissibility. We know the facts about the document. It is a document in German, captured among German documents.

DR. SIEMERS: I understand. I made the statement only in order to show that I am not raising objections for formal reasons, but because the thing is actually of great importance. In proof of my . . .

THE PRESIDENT: Well, then, you will be able to urge that when you make your speech in criticism of the document as to its weight. You will be able to point out that it does not bear comparison with a fuller document taken down by Admiral Böhm or with the other document.

DR. SIEMERS: Absolutely right. To explain my formal request, I refer to my statement on the formal character of the document which I submitted.

THE PRESIDENT: Yes.

The application to strike out Document 1014-PS is denied.

[A recess was taken.]

THE PRESIDENT: Has Counsel for the Prosecution understood that the Tribunal wishes to have information as to where that document was found?

SIR DAVID MAXWELL-FYFE: Yes, My Lord; we will do our best to get it.

THE PRESIDENT: Yes, and also the other, Document 798-PS.

SIR DAVID MAXWELL-FYFE: Yes, if Your Lordship pleases.

DR. SIEMERS: Admiral, I submitted Document Raeder-27, which is the Böhm version, to you. You have read the speech in this version. Is this reproduction correct on the whole, in your recollection?

RAEDER: Yes. In my opinion, this version is that one which corresponds most closely to reality. I remember especially that Hitler devoted a large portion of his remarks to the point that England and France would not intervene, giving reasons why they would not. He mentioned a number of reasons, and I missed just that portion, in its elaboration, in the other reproductions of the speech.

DR. SIEMERS: In the version of the speech Document 798-PS or Exhibit USA-29 it says verbatim: "I am only afraid that at the last moment some swine will offer me some plan of arbitration." Were those words used in the speech at that time?

RAEDER: In my recollection, certainly not. The Führer was not accustomed to using expressions like that in speeches which he made to the generals.

DR. SIEMERS: On the other hand, the version put forth by Böhm shows that Hitler had, by this time, decided to attack Poland. I am asking you to give us briefly the impression, which the speech made on you at the time. Tell me also why, despite this speech which even in this version is severe, you retained your office as Commander-in-Chief of the Navy.

RAEDER: Without doubt, I had the impression that the situation was serious and tremendously tense. The fact, however, that Hitler in his speech put too great a stress on proving that France and England would not intervene, and the second fact that Herr Von Ribbentrop, the Reich Foreign Minister, left for Moscow on the same day to sign a pact there, as we were told—these things filled not only me but all listeners as well with the strong hope that here again was a case of a clever move by Hitler, which in the end he would successfully solve in a peaceful way.

Therefore I saw no reason to resign my office at that moment. I would have considered that pure desertion.

DR. SIEMERS: May it please the Tribunal, in this connection I would like, because of their chronological correspondence, to submit the two documents Exhibits Raeder-28 and 29, and I ask that the Tribunal only take judicial notice without my making further reference to them.

The Prosecution have cited Document C-155 and have accused you, through this document . . .

SIR DAVID MAXWELL-FYFE: My Lord, of the documents to which Dr. Siemers has just referred—Documents Raeder-28 and 29—the first is a memorandum of General Gamelin and the second is a letter from General Weygand to General Gamelin of 9 September 1939.

Your Lordship will remember that the Prosecution objected to these documents as being irrelevant, and, My Lord, the Prosecution maintain that objection.

I do not wish to interrupt Dr. Siemers' examination any more than is necessary. If at the moment he is merely asking the Tribunal to take judicial notice of the documents and does not intend to use them, it would probably be convenient—in order not to interrupt the examination-in-chief—that I merely indicate formally that we are maintaining our objection to the document. Of course, I am at the disposal of the Tribunal.

THE PRESIDENT: Is this the position, that they were allowed to be translated and put in the document book but that no further order of the Tribunal has been given?

SIR DAVID MAXWELL-FYFE: No further order has been given and therefore, My Lord, it is still open to us to object, as I understand the position.

THE PRESIDENT: Well, perhaps we had better deal with it now, then.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases.

DR. SIEMERS: May I make a few remarks on this point? I believe . . .

THE PRESIDENT: But we had better hear the objection first, had we not? And then we will hear you afterwards.

DR. SIEMERS: Yes, Mr. President, as you wish. This is a purely formal point. I believe that Sir David erred slightly in referring to Document Raeder-28. There was no objection to this document by the Prosecution, but only against Document Raeder-29.

SIR DAVID MAXWELL-FYFE: My friend is quite right; we did not object to the translation of 28. However, My Lord, it falls into the same category as 29, and I would still raise an objection. I apologize to Your Lordship if I conveyed the impression that we had made an objection before.

My Lord, the Number 28 is a letter from General Gamelin to M. Daladier on the 1st of September 1939, in which General Gamelin gives his views as to the problem of the neutrality of Belgium and Luxembourg and contrasts that view with the view of the French Government.

Now, My Lord, I submit that that expression of opinion on the part of General Gamelin is in itself intrinsically too remote from the issues of this Trial to be of any relevance or probative value.

Then, apart from its intrinsic nature, the position is that this was a document which, as I understand from Dr. Siemers' verification on Page 158, is taken from the *White Book of the German*

Foreign Office, from the secret files of the French General Staff, which could not have been captured until sometime after June 1940. Therefore, as a secondary reason, it can have no relevance to any opinion formed by the Defendant Raeder in September of 1939.

My Lord, the second document is, as I said to the Tribunal, a letter to General Gamelin from General Weygand, who was then the Commander-in-Chief of the French Army in the Levant. It describes a plan which General Weygand had in mind with regard to possible operations in Greece. Nothing came of these operations before June 1940 when an armistice was made by Marshal Pétain on behalf of part of the French people—although not, of course, of the whole—and it can have no relevance to October 1940 when Greece was invaded by Italy, or to the position at the end of 1940 and the beginning of 1941 when the invasion of Greece begins to be considered in the German directives and operational orders which have been put in before the Tribunal.

That is the first point. And the same secondary point applies, that it was also a captured document which could not have been captured before June 1940; therefore, it can have no relevance to this defendant's state of mind in August or September of 1939.

My Lord, as a matter of convenience, I have just made a list of the documents to which objections will be made and, My Lord, there are one or two additions which my French and Soviet colleagues have asked me to make, and I will deal with them when they arise.

My Lord, I would just like the Tribunal to have in mind that there are four geographical groups of documents as opposed to the groups under which they are arranged here, which the Tribunal will have to consider. One is formed by documents relating to the Low Countries; the second, which is Group G on the list which I have just put before the Tribunal, deals with Norway; a third deals with Greece, of which Document Raeder-29 is an example; and a fourth is Group E in the list which I have just put in, dealing with tentative proposals and suggestions made by various military figures with regard to the oil field in the Caucasus or operations on the Danube.

My Lord, the same objections which I have made particularly with regard to Documents Raeder-28 and 29 will apply generally to these groups, and I thought that I ought to draw the Tribunal's attention to that fact. In addition, my friend Colonel Pokrovsky has intimated to me some special objections which we will have to certain documents on which he can assist the Tribunal himself when they arise.

But, My Lord, I do take these specific cases, 28 and 29, as objectionable in themselves, and I draw the Tribunal's attention

to the fact that they are also typically objectionable as belonging to certain groups.

The decision of the Tribunal, Your Lordship, is given in the morning session of 2 May 1946. Your Lordship said, "The question of their admissibility will be decided after they have been translated."

M. CHARLES DUBOST (Deputy Chief Prosecutor for the French Republic): May it please the Tribunal, I would ask the Tribunal for an opportunity to associate myself publicly with the declaration just made by Sir David and to propose a few examples which will show the degree of importance which should be attached to the documents in question.

The Defense is asking that the Tribunal take into account a document published in the German *White Book* Number 5, under Number 8. This document reports a statement by a French prisoner of war who is supposed to have said that he had been in Belgium since 15 April. However, the German *White Book* gives neither the name of this prisoner nor any indication of his unit. We have none of the information which we need in order to judge whether the statement is relevant. We are therefore faced with a document which is not authentic and which has no value as evidence.

The Defense is asking that Document Raeder-102 of the same document book be admitted by the Tribunal. I ask the Tribunal to let me make a few observations to show the one-sided manner in which these documents have been assembled by the German authorities in the *White Book.*

I would say, first of all, that this Document Raeder-102 has not been quoted at length. The French Delegation has referred to the text of the German *White Book.* We have read it carefully. This document is only a preparatory order in view of defensive preparations organized by the Belgians on the French-Belgian frontier facing France. We have consulted the Belgian military authorities. This order was a manifestation of the Belgian Government's determination to defend Belgium's neutrality on all its frontiers.

It is therefore contrary to the truth to try to prove by means of this document the existence of staff contacts between Brussels, London, and Paris, which, if they had existed, would have been contrary to the policy of neutrality.

The commentary made by the German Minister for Foreign Affairs in the introduction to the German *White Book,* Page 11 of the French text, took the counsel by surprise and certainly did not mislead Admiral Raeder, who is a serviceman. In fact, it is at the price of a lie that the official commentator affirms, on the one hand, that the expression "les forces amies" (friendly forces) used

in this document means French and British troops, whereas in reality it is a regular expression used in the Belgian Army to describe Belgian units in the immediate vicinity of those actually fighting. On the other hand, the German commentator claims, and I quote, "The general line Tournai-Antoing, of the canal from Mons to Condé, Saint Ghislain and Binche, is partly in Belgian and partly in French territory." It is sufficient to look at a map to see that all those localities are in Belgian territory and they are all at least some dozens of kilometers distant from the French-Belgian frontier, and in places, 60 kilometers from the French frontier.

. I ask the Tribunal to excuse this interruption. I thought it was advisable to enlighten them by giving a convincing example of the value of the evidence furnished by the German *White Book.*

THE PRESIDENT: Dr. Siemers, the Tribunal thinks the most convenient course would be to hear your argument now upon these documents, not only upon 28 to 29, but upon the other documents specified in Sir David Maxwell-Fyfe's list, and then the Tribunal would consider these documents after the adjournment and would give its decision tomorrow morning.

DR. SIEMERS: May it please the Tribunal, I should be very grateful if it would be possible to proceed in a somewhat different manner. I should like to call attention to the fact that a rather lengthy debate regarding documents has already taken place, and the decision of the Court followed. I believe that if I comment upon all the documents at this point a great deal of time will be lost, since the coherence of the documents will emerge of itself later during my presentation of evidence. If I now deal with the list submitted by Sir David, I would, in order to show my reasons, have to set forth all that which will appear again in the regular course of testimony later on. I thought that the decision of the Tribunal first to present the documents in the document book was specifically to save time, and then objections could be made one by one as individual documents are presented.

THE PRESIDENT: I know; but there are a very great number of documents. The Tribunal will have to hear an argument upon each document if we do what you suggest, reading the list of Sir David. There are 30 or 40 documents, I suppose.

DR. SIEMERS: Sir David Maxwell-Fyfe has already stated that he will be guided according to different geographical groups. Therefore, there will not be objections with regard to each document but rather with regard to each group of documents and each group of questions—for instance, an objection in the Norway case against all Norwegian documents or in the Greek case against all Greek documents. It would be easier to deal with matters that way, since

in my testimony I shall be dealing with Greece and Norway anyway, whereas if I do so now I shall have to say everything twice. But I shall of course be guided by the decision of the honorable Tribunal. I only fear that an unnecessary amount of time will be lost that way.

SIR DAVID MAXWELL-FYFE: My Lord, I only want to say one word on procedure. I did hope that Dr. Siemers and I had already occupied sufficient of the Tribunal's time in arguing this point because, of course, the arguments as to relevancy must be the same. Whether they are so obviously irrelevant as not to be translatable, or whether they are inadmissible, at any rate my arguments were the same, and I did not intend to repeat the argument which I had made before the Tribunal.

Dr. Siemers already assisted the Tribunal for an hour and a half on this point, which we discussed before, and I hoped that if I stated as I did state that I have maintained the points which I put before the Tribunal in my previous argument, that Dr. Siemers might be able on this occasion to shorten matters and to say that he relied on the—if I may say so—very full argument which the Tribunal had on the other occasion. That is why I thought it might be convenient if we dealt with them now and put this problem out of the need for further consideration.

THE PRESIDENT: Dr. Siemers, the Tribunal thinks that you must argue these questions now, and it hopes that you will argue them shortly, as your arguments have already been heard in favor of them. But we think that you must argue them now and not argue each individual document as it comes up, and it will consider the matter. It already has these documents, but it will consider the matter again and decide the matter tonight.

COLONEL Y. V. POKROVSKY (Deputy Chief Prosecutor for the U.S.S.R.): My Lord, inasmuch as the Tribunal decided to have Dr. Siemers argue the point which was expressed by Sir David Maxwell-Fyfe and other prosecutors, I think it is my duty to name three documents to which our Prosecution object.

The Soviet Prosecution would like to object altogether to five documents. Two of them—I have in mind Documents Raeder-70 and 88—have already been included by my friend Sir David Maxwell-Fyfe in the list which has been given to the Tribunal. So all I have to do now is to name the three remaining numbers, so that Dr. Siemers would have it easier in answering all together. I name Documents Raeder-13, 27, and 83.

Document Raeder-13 is a record of a report of Captain Lohmann. There is an idea expressed in this report which I cannot call other than a mad and propagandist idea of a typical Nazi. The idea

is that the aim of the Red Army is world revolution, and that the Red Army is really trying to incite world revolution. I consider that it would not be proper if such nightmares and politically harmful ideas were reflected in the documents which are to be admitted by the Tribunal.

My second objection is in connection with the Document Raeder-27. This is a record which was made by a voluntary reporter, Böhm, of an address of Hitler's at Obersalzberg. The Tribunal already rejected Dr. Siemers' application to include two documents pertaining to the same questions and emphasized the fact that the Tribunal does not wish to compare the authenticity of different documents pertaining to or dealing with the same question.

I consider that inasmuch as the Tribunal already has at its disposal among documents which were admitted two records dealing with Hitler's address at Obersalzberg, therefore, there is no necessity to admit the third record of his speech, especially since in this third version there are altogether shameless, slanderous, and calumnious remarks against the Armed Forces of the Soviet Union and the leaders of the Soviet Government. Neither the Armed Forces of the Soviet Union nor we as representatives of the Soviet State would ever agree to have such remarks included in the record.

The third document is Document Raeder-83. Document 83 is an excerpt from the German *White Book*. Since the authenticity of this *White Book* has already been questioned by Dr. Dubost, I consider it material which cannot be relied upon, and in particular with regard to the Document Raeder-83. There are several remarks, harmful to the Soviet Union, which have absolutely no political basis—that is, the passage pertaining to the relations between the Soviet Union and Finland. So on the grounds of such general political motives, I would ask the High Tribunal to exclude as evidence Document Raeder-83 from the list of documents which were presented to the Tribunal by Defense Counsel Siemers. Furthermore, strictly speaking, it is absolutely clear that this document is irrelevant. That is all I want to say.

DR. SIEMERS: May it please the Tribunal, I note to my regret that we are back at the beginning again in our debate about documents; for we are disputing about documents now which were not mentioned at all in the original debate concerning documents, which took place on 1 May. I had believed, however, that I could rely on this one principle, that at least those documents which at that time were not objected to would be considered granted. Now, however, I find that those documents which were not discussed at that time at all are under dispute. It is extremely difficult...

THE PRESIDENT: Dr. Siemers, the Tribunal thinks you are entirely in error in that, because it is obvious that a document which has not been translated cannot be finally passed on by the Prosecution or by the Tribunal, and the fact that the Prosecution does not object to it at that stage does not prevent it from objecting at a later stage when it has been translated.

DR. SIEMERS: There were some documents to which I was told that the Prosecution did not object, and with regard to them I believed at any rate that that was final, just as with reference to some documents...

THE PRESIDENT: I thought I had made myself clear. What I said was this: The Prosecution in objecting or not objecting to a document before it is translated does not in any way bind them not to object to it after it is translated. Is that clear?

DR. SIEMERS: Then I shall take these documents one by one. First of all, I would like to start with those documents which Colonel Pokrovsky...

THE PRESIDENT: No, no, Dr. Siemers, the Tribunal will not listen to these documents taken one by one. If they can be treated in groups they must be treated in groups. They have been treated in groups by Sir David, and I am not saying you must adhere exactly to the same groups, that the Tribunal is not proposing to hear each document one by one.

DR. SIEMERS: I beg your pardon. Then it is a misunderstanding. I wanted to discuss those documents at the beginning, because there are some things which are not clear and which were objected to by Colonel Pokrovsky. I did not realize that Colonel Pokrovsky mentioned the documents in groups. I believe he mentioned five documents—three of them individually—and I believe that, though I have not understood everything, I can deal with these individually mentioned documents one by one. However, I shall be glad to start with the group laid down by Sir David if that is to be dealt with first. Shall I first...

THE PRESIDENT: When you said you were going to deal with the documents one by one, you meant all the documents one by one? I am not suggesting that you...

DR. SIEMERS: No, Your Honor.

THE PRESIDENT: You can deal with Colonel Pokrovsky first if you like.

DR. SIEMERS: Colonel Pokrovsky has as his first objection Document Raeder-13. This deals with a document dated 1935. Certainly Colonel Pokrovsky can offer some objection to the contents of this document, but how a document can be classed as

irrelevant just because a certain sentence allegedly contains propaganda is not quite clear to me. I believe I could find sentences in other documents which have been submitted during these past 6 months which might be interpreted in some way as propaganda. I cannot quite imagine that that is an objection, and I would like to remind the Tribunal that right at the beginning of the proceedings, when we were dealing with Austria, the Tribunal rejected an objection made by the Defense regarding a letter. The Defense objected because the author of the letter was available as a witness. Thereupon, the Tribunal, and justly so, decided that the letter was evidence. The only matter for debate is the probative value. The Tribunal admitted this document. And in connection with this I should like to mention that a lecture at a university which is set down in writing is a document. The lecture deals with the naval agreement, and I believe that therewith the relevancy...

THE PRESIDENT: Dr. Siemers, have you not made your point on Number 13? You said the majority of the thing is clearly relevant, though there is one sentence which may be alleged to be propaganda, and, therefore, the document ought not be struck out. Is that not your point?

DR. SIEMERS: No, I am saying that it is a document which has a bearing on the evidence used in this Trial, and the Soviet Prosecution cannot dispute it because it was a lecture given in 1935. I cannot at all understand the use of the word "propaganda" by Colonel Pokrovsky in connection with this document.

THE PRESIDENT: Well, I do not understand what you say in the least. I thought I put the point you had made. I thought you made it clear that the document in itself was relevant and could not be rejected because it contained one sentence which was alleged propaganda. That is your point, and I shall want it stated in one or two sentences, and the Tribunal will consider it. I do not see why the time of the Tribunal should be taken up with a long argument about something else.

DR. SIEMERS: Colonel Pokrovsky secondly, if I understood the interpreter, objected to Document Number Raeder-27. In this instance we are concerned with the speech of Hitler at Obersalzberg on 22 August 1932. It is Exhibit Raeder-27. It is very hard for me to comment on this document since I do not understand the objections of Colonel Pokrovsky. It deals...

THE PRESIDENT: The objection was that there was no necessity for a third record of the speech. There were two records which you objected to, and he said there was no necessity for a third.

DR. SIEMERS: I would like to add to that then, Your Honor, that the Soviet Delegation does not agree with the Delegation of

the United States. In the record at that time the representative of the American Delegation said that if any one had a better version of that speech, he should present it. Therefore, I agree with the opinion of the American Prosecution and I believe, aside from that, that not a word about the relevancy of a speech which was made shortly before the outbreak of the war is necessary.

Document Raeder-83 is the third document objected to by Colonel Pokrovsky. This contains the sixth session of the Supreme Council on 28 March 1940, the drafting of a resolution with the heading "Strictly Secret." In this document the Supreme Council—that is, the constituents of the Allied leadership—agreed that the French and British Governments on Monday, 1 April, would tender a note to the Norwegian and Swedish Governments. The contents of this note is then given, and there is a reference to the point of view of vital interests, and it says there then the position of the neutrals would be considered by the Allies as one contrary to their vital interests, and that it would evoke an appropriate reaction.

Under Figure 1 c of this document, it says:

"Any attempt by the Soviet Union which aimed at obtaining from Norway a position on the Atlantic Coast would be contrary to the vital interests of the Allies and would provoke the appropriate reaction."

THE PRESIDENT: You do not need to read the document, do you? I mean you can tell us what the substance of it is. It appears to be an objection to any further attack upon Finland, which would be considered by the Allies to be contrary to their vital interests. That is all.

DR. SIEMERS: Mr. President, just this expression "vital interests" is the decisive one. I do not wish, as the Prosecution always seem to think, to bring up some sort of objection from the point of view of *tu quoque*. I want to show only what the situation was according to international law, and that at the same time when Admiral Raeder was entertaining certain thoughts regarding Norway, Greece, and so forth, the Allied agencies had the same thoughts and were basing these thoughts on the same concept of international law which, as I recently said, was upheld by Kellogg—namely that the right of self-preservation still exists. Now I can prove my point through these documents.

THE PRESIDENT: The point made against you by Sir David was that the document could not have come into the hands of the German authorities until after the fall of France.

DR. SIEMERS: Now I shall deal with the groupings designated by Sir David.

Sir David made certain fundamental statements. Regarding Document Numbers Raeder-28 and 29, he pointed out specifically that in one case they were the thoughts of General Gamelin and in the other case those of General Weygand, and that these ideas were not known to the Germans at that time since these documents were not yet in our hands. The latter point is correct. The concept and the plan of occupying Greece, of destroying Romanian oil wells, those thoughts were known to the Germans—namely, through their intelligence service. The Prosecution did not present the data of the German High Command which show these reports. Since I do not have these documents, I believe it would be just if I am given the possibility of presenting the actual facts which were known to Germany and in this way prove them. I have no other proofs. That it is agreeable to the Prosecution to deprive me of the documents which I need for the defense, I can understand; but the Prosecution must also understand the fact that I consider it important that those documents which are definite proof of certain plans remain at my disposal.

The charge has been made against Admiral Raeder that it was an aggressive war—a criminal war of aggression—to formulate plans for the occupation of Greece. Document Raeder-29 shows that General Weygand and General Gamelin on 9 September 1939 concern themselves with planning the occupation of neutral Salonika. So if this is the case, I cannot understand how one can point an accusing finger at Admiral Raeder, on the German side, for having concerned himself with such plans a year and half later. I believe, therefore, that these and similar documents must be granted me, for only from them can the military planning and the value of the military planning, or the objectionable side—that is the criminal side of the planning, be understood. The strategic thinking of the defendant can be understood only if one knows approximately what strategic thinking prevailed at the same time with the enemy. The strategic reasoning of Admiral Raeder was shut up in an airtight compartment but depended on the reports received about the strategic planning of the opposition. It is a reciprocal activity. This reciprocal activity is necessary for an understanding. Therefore, in view of this very essential point, I ask to be granted this kind of document since, as I have recently stated, I do not know how I can carry on my defense at all in the face of these grave accusations regarding Greece and Norway if all of my documents are stricken. I believe that I am understood correctly when I do not assert that we were cognizant of these documents. But Germany knew the contents of these documents, and I believe that is sufficient.

May it please the Tribunal, we are once again at Document Raeder-66 in Group A. This Document Raeder-66 is the opinion

of Dr. Mosler, an expert in international law, about the Norwegian operation as judged from the standpoint of international law.

Since we are always talking about saving time in this courtroom, I would have my doubts about rejecting this article, for a refusal would force me to set forth the trend of thought point by point in detail, and I believe that it is much easier for the Tribunal, for the Prosecution and for me, if I submit general legal arguments in this connection.

SIR DAVID MAXWELL-FYFE: My Lord, this is a document which is a matter of legal argument. If the Tribunal thinks it would be of any assistance to have the argument in documentary form, I willingly withdraw my objection to that. That is on quite a different project than the other one, and I want to help in any way I can.

While I am before the microphone: I did mention that there were two other documents that fall into the same group. Document Raeder-34 falls into Group B, and Document Raeder-48 into the Group E.

My Lord, I did mention 28 when I was addressing the Tribunal.

DR. SIEMERS: May it please the Tribunal, I do not wish to dispute Document Raeder-66, I have really done this just to ease the situation for everyone. The additional documents in this group are Raeder-101 to 107. I cannot say that this is a homogeneous group. One document deals with Norway, another deals with Belgium, a third deals with the Danube. The unity of this group escapes me. Basically these documents have this point in common: that, as I have already stated, a plan existed in the Allied General Staff, as well as in the German, and all were based on the tenet of international law regarding the right of self-preservation and vital interests.

In order to be brief at this point I should like to refer to Document Raeder-66 particularly, and to save time I ask that the quotations from this document be considered the basis for my remarks today on the right of self-preservation. I am referring to the quotations on Page 3 and Page 4 of this expert opinion. The legal situation is made very clear therein, and it is set forth very clearly in this expert opinion that, with regard to the question of the occupation of Norway, we are not concerned with whether the Allies had actually landed in Norway but only whether such a plan existed, that we are not concerned with the fact whether Norway agreed or did not agree. The danger of a change of neutrality according to international law gives one the right to use some compensating measure or to attack on one's own accord; and this basic tenet has been maintained in the entire literature which is

quoted in this document, and to which I shall refer later in my defense speech.

Out of group 101 to 107, I have to mention Document Raeder-107 especially. Document Raeder-107 is not concerned at all with the *White Books* as the other documents are. 107 is an affidavit by Schreiber. Schreiber was naval attaché at Oslo from October 1939 onward. From the beginning I have said that I needed Schreiber as a witness. In the meantime, I dispensed with Schreiber because even though we tried for weeks, we could not find him. I discussed this matter with Sir David and with Colonel Phillimore. I was advised that there would be no objection on this formal point since Schreiber suddenly and of his own accord reappeared again.

If, as the Prosecution wish, this piece of evidence is taken from me—namely, the affidavit of Schreiber about the reports which Admiral Raeder received from Oslo and, in addition to that, the documents from which the authenticity of these reports may be shown—then I have no evidence for this entire question at all. Besides, Schreiber was in Oslo during the occupation and he has commented in his affidavit with regard to the behavior of the Navy and the efforts of Admiral Raeder in connection with the regrettable civil administration of Terboven. Therefore, I am asking the High Tribunal to grant this affidavit to me or to grant Schreiber as a witness so that he can testify personally. This latter course, however, would take up more time. I have limited my evidence through witnesses to such a degree that I believe that, in view of the entire span of 15 years with which we are dealing, in the case of the Defendant Raeder at least, such an affidavit should be granted me.

With regard to Group B, I should like to refer to the remarks which I have already made. As far as I can see, the group seems to be thoroughly heterogeneous, but I believe they are all documents taken from the *White Book*. The same ideas should be applied which I have recently expressed to the Tribunal.

THE PRESIDENT: I think Sir David recognized that there was a certain degree of lack of identity in these groups, but he suggested that they all fall into geographical groups: one group, the Low Countries; one group, Norway; one group, Greece; and one group, the Caucasus and the Danube—which agrees with "E." That is what he said. Could you not deal with them in those geographical groups?

DR. SIEMERS: Very well.

I have already talked about Norway and in that connection I therefore refer to the remarks I have already made. I have already briefly mentioned Greece. I would like to say that there

was a double accusation made: One, that neutral ships were sunk—namely, neutral Greek ships, and secondly, the accusation of an aggressive war against Greece—that is, the occupation of all Greece.

With regard to the last point, I have already made a few statements. Dealing with the Greek merchantmen I would like to say only that in this case the action and attitude of the defendant appears justified in that he received reports which coincided with the documents which were found a month later in France. The same reports were received by Raeder when he expressed his views to Hitler. I would like to prove that these reports which came to him through the intelligence service were not invented by the intelligence service but were actual facts. The same applies to the oil regions. Plans existed to destroy the Romanian oil wells and furthermore there was a plan to destroy the Caucasian oil wells; both had the object of hurting the enemy; in the one case Germany alone—as far as Romania was concerned—and in the second case Germany and Russia, because at that time Russia was on friendly terms with Germany.

These plans are—and this is shown by the documents—in the same form as all other documents presented by the Prosecution. These documents as well, in their entirety, are "top secret," "personal," "confidential." Just as the Prosecution have always said, "Why did you do everything secretly? That is suspicious." These documents contain ideas based on strategic planning just as do the documents presented by the Prosecution. That is something which arises from the nature of war and which is not meant to be an accusation on my part, nor should it be construed as an accusation against Admiral Raeder by the Prosecution.

Then the group of Ribbentrop documents follows. I can say only what I said recently. And as I glance at it cursorily now, the documents in the Ribbentrop document book are not as complete as they are here. Therefore, I believe it is important to take the documents and to investigate their complete content from the point of view of Raeder rather than the point of view of Ribbentrop. That perhaps may have taken place, as the High Tribunal suggested the other day. Then I believe, however, it is not an objection which can be used by the Prosecution to say that in the case of Ribbentrop they were partially admitted and partially rejected. For some documents which were granted Ribbentrop were refused me.

Then we turn to Group "E" and that is *tu quoque*. I believe I have already spoken sufficiently on that point just recently. I dispute it again and I cannot understand why the Prosecution will not agree with me on that. I do not wish to object. I am not saying *tu quoque;* I am only saying that there is strategic planning

which is carried on in every army and there are tenets in international law which applied to the Allies exactly in the same way as to us, and I beg to be granted these possibilities of comparison in foreign politics.

I believe herewith that I have dealt with all points so far as it is possible for me to define my position in such a brief period of time with regard to about 50 documents, and I am asking the High Tribunal not to make my work more difficult by refusing these documents to me.

THE PRESIDENT: The Tribunal will carefully consider these documents and your arguments.

The Tribunal will now adjourn.

[The Tribunal adjourned until 17 May 1946, at 1000 hours.]

ONE HUNDRED AND THIRTY-SECOND DAY

Friday, 17 May 1946

Morning Session

THE PRESIDENT: The Tribunal have given careful and prolonged attention to the consideration of the documents offered by Dr. Siemers on behalf of the Defendant Raeder; and they, therefore, do not wish the documents which they propose to admit to be read because they have already read them all.

I will now deal with the documents individually.

Document 66 is admitted for the purposes of argument, and not as evidence; Document 101 is denied; Documents 102 to 105 are admitted; Document 106 is denied; Document 107 is admitted; Document 39 is denied; Document 63 is admitted; Document 64 is denied; Document 99 is denied; Document 100 is admitted; Documents 102 to 107 are admitted; Document 38 is denied; Document 50 is denied; Document 55 is denied; Document 58 is denied; Documents 29, 56, 57, 60, and 62 are denied. I should have included in that group Document 28, which is also denied. Documents 31, 32, 36, 37, and 39 are denied; Document 41 is admitted; Document 99 has already been denied, and Document 101 has already been denied; Document 59 is admitted; Document 68 is denied; Document 70 is denied; Document 72 is denied; Document 74 is denied; Document 75 is admitted; Document 77 is admitted; Document 79 is admitted; Document 80 is admitted; Document 84 is admitted; Document 85, which is on Page 82 of Volume V, is admitted; Document 87 is denied; Document 88 is admitted; Document 91 is admitted; Document 13 is admitted; Document 27 is admitted.

The Prosecution may, if they wish it, apply to cross-examine the witness who made that document.

THE TRIBUNAL (Mr. Francis Biddle, Member for the United States): That is Admiral Böhm.

THE PRESIDENT: Admiral Böhm, yes.

Document 83 is admitted; Document 34 is admitted; Document 48 is denied.

Have I gone too quickly for you, Dr. Siemers? You have the last few?

DR. SIEMERS: Yes, I heard everything.

MR. DODD: Mr. President, yesterday afternoon the Tribunal asked that we ascertain the origins, if possible, of Document 1014-PS. Some question was raised about it by Dr. Siemers. It is Exhibit USA-30.

I have had a search made, and I have some information that we are prepared to submit concerning this document. I should like to point out that 1014-PS and 798-PS and L-3 are documents all concerning this same speech made at Obersalzberg on 22 August 1939. They were offered in evidence by Mr. Alderman of the American staff on the 26th day of November 1945.

I should like to point out that L-3, to which Dr. Siemers made reference yesterday, was offered only for identification, as the record shows for the proceedings of that day on the 26th of November, and has received the mark Exhibit Number USA-28 for identification only. Mr. Alderman pointed out, as appears in the record, that he was not offering it in evidence, that it was a paper which came into our hands originally through the services of a newspaperman, and that later on the Documents 798-PS and 1014-PS were found among captured documents. They referred to the same speech in Obersalzberg. Mr. Alderman offered these two at that time.

Now Document 798-PS, Exhibit Number USA-29, and Document 1014-PS, Exhibit Number USA-30, were both found by the forces of the United States in this fashion:

They had been taken from the OKW headquarters in Berlin, and in the course of various journeys in those days they finally arrived at one place and were stored, it now appears, at various places by the OKW under the control of a General Winter of the German forces; and they were transported in three railway trains to Saalfelden in the Austrian Tyrol. Subsequently, General Winter ordered that all documents in his possession be turned over to the Allied forces and they were. These particular documents, together with some other papers, were turned over by General Winter and members of his staff at that time; and on the 21st day of May 1945, they were removed from Saalfelden where they were under the control of General Winter and taken to the Third U.S. Army Document Center at Munich. While at Munich they were sorted and catalogued by Department G-2 Supreme Headquarters of the American Expeditionary Force with the assistance of clerks from the OKW and OKH. On the 16th of June 1945 these documents, together with others, were removed on six trucks from the headquarters of the Third Army at Munich and were taken to the U.S. Group Control Council Number 32 at Seckenheim, Germany, which was located in the former offices of the I.G. Farben Company, and were placed on shelves on the third floor of the building and kept

under guard. Between the 16th of June 1945 and the 30th of August 1945, the task of collecting, sorting, assembling and cataloging these documents was carried out under the supervision of the British Colonel Austin, with personnel of the Supreme Headquarters and the G-2 Document Center of the G-2 Operational Intelligence Section, 6889 Berlin Document Section, and the British Enemy Document Unit, and the British Military Intelligence Research Section. Beginning on the 5th day of July 1945, and continuing until the 30th of August 1945, these documents were screened at that place by members of the staff of the United States Chief Counsel. Lieutenant Margolies, who is here in the courtroom and a member of our staff, personally picked these documents out of your file 798-PS and 1014-PS from the OKW captured files, brought them to Nuremberg, and lodged them in the document room where they have been kept under strict security ever since.

Now, that is the history of these two documents about which Dr. Siemers raised some question yesterday—a considerable question I might say—and inferred there was something strange about their contents. I think the story which I have given in the form of a statement over the signature of Lieutenant Commander Hopper clearly establishes the source and where they have been ever since; and I think it is only fair to say that, since Dr. Siemers saw fit to point out that this language sounded extremely harsh and was attributed to Hitler, these documents were offered to show these people were actually talking about aggressive war. The reading of the three documents by the Tribunal will clearly show they are all in agreement in substance; of course, there are differences in phraseology, but the important thing and purpose for which they were offered was to show that these people were talking aggressive war. I might say I am not surprised to find my friend is sensitive about the remark, but I think the unanswered proof in the case thus far shows that not only were these things said but they were done.

M. DUBOST: May it please the Court. No doubt it is a mistake in translation. We understood 106 had been rejected the first time and admitted the second time in the Group 102 to 107.

THE PRESIDENT: I am afraid it was my mistake. I did say that the Group 102 to 107 were admitted; but I have also said 106 was rejected, and it is rejected. It is entirely my mistake. 106 is rejected.

M. DUBOST: 106 is thrown out and 102 to 107 are also rejected, are they?

THE PRESIDENT: No, I will state the exact numbers: 102, 103, 104, 105, and 107 are admitted.

M. DUBOST: Very good. Mr. President, we want to offer further explanations on 102 to 107 during the course of the proceedings.

THE PRESIDENT: Yes.

DR. SIEMERS: Mr. President, may I say a few words concerning the statement made by Mr. Dodd?

I had no doubts, and I certainly have no doubt now, that since these documents were found they have been handled very correctly and Mr. Dodd spoke only about that. I believe it is important to establish: Whether one can determine the connection these documents had with other documents, because in that way one can see whether these were documents belonging to a certain adjutant. For instance, were they together with the Hossbach papers or together with the Schmundt file? If, for instance, the documents were with the Schmundt documents it is probable that they belonged to the adjutant.

THE PRESIDENT: That all goes to the weight of the document, does it not? No doubt, a document which is signed has more weight than a document which is not signed. All those matters the Tribunal will take into account when considering the documents, but the admissibility of the document depends upon its being a German document found and captured.

DR. SIEMERS: Mr. President, I wanted to say this only because it is unpleasant to have the American Delegation misunderstand my motion concerning the document. I make no charges concerning the manner in which the document was found, I merely say that it is undecided among which papers it was found. It came to my attention that Mr. Dodd treated the three documents concerned in quite the same way, whereas Mr. Alderman on Page 188 of the record (Volume II, Page 286), states that one of these three documents, L-3, was evidently not in order because of its doubtful origin. And therefore he withdrew the document.

May I then, if it please the Court, continue with the examination of the Defendant Raeder?

[Turning to the defendant.] Admiral, we have a few final questions concerning the conspiracy. I believe it will not take much time. I ask you to look at the Document C-155. That is Exhibit GB-214, in Document Book 10, Page 24—Document Book 10 of the British Delegation, Page 24.

It is your letter of 11 June 1940, which was sent to 74 Navy offices and which the Prosecution has called a letter of justification. The Prosecution wants to deduce from this that you knew that a war was to be expected as early as the summer of 1939. I should like you to answer this charge very briefly.

RAEDER: There is manifold proof to show that I was not expecting a war in the fall at all, and in view of the small extent of rearmament of the German Navy this was quite natural. I have stated quite clearly in my speech before the U-boat officers in Swinemünde that we could not count on it.

DR. SIEMERS: And what was the reason for that letter, C-155?

RAEDER: The reason was that a number of torpedo boats had misfired and this could be traced to the fact that torpedoes had not yet been as perfectly developed as they should have been at the beginning of a war. An additional reason was that, now that the war had so suddenly broken out, many officers believed that it would have been better to have developed the submarine weapon as much as possible first, so that at least this weapon would be ready in large numbers in the event of a war. I objected to that opinion precisely because such a war was not to be expected. And on Page 6, 8th paragraph, I emphasize again—in the second line—that the Führer hoped until the end to postpone the imminent dispute with England until 1944 or 1945. I am speaking here of an imminent dispute. An imminent dispute is not exactly something to strive for, it is rather to be feared.

DR. SIEMERS: There is another key document, that is, Document 789-PS, Exhibit USA-23, the very long speech made by Hitler on 23 November 1939 before the commanders-in-chief.

The document, Mr. President, is in Document Book 10a on Page 261. This is again a Hitler speech where there is no indication of who recorded it. Signature and date are missing.

[Turning to the defendant.] Since this is similar to the other documents I do not have to question you on that point. I would merely like to know, Admiral, did that speech also betray a definite background, a certain mental reservation on the part of Hitler?

RAEDER: Yes. There was at that time a rather severe conflict between Hitler and the commanders-in-chief of the Army, and also a difference of opinion with the leading generals concerning the offensive in the West. The Führer assembled all the leaders in order to give them his opinion about this whole matter. He stated —and I was present myself—that up to that time he had always been right in his decisions and that he would also be right in the opinion that the western offensive had to be undertaken in the fall if possible. Toward the end he used very harsh words; in the third from the last paragraph of the document he states: "I shall not be afraid of anything and I shall destroy everyone who is against me." That was directed against the generals. Actually the western offensive did not take place until the spring because the weather conditions delayed them.

DR. SIEMERS: We have heard details of that during previous proceedings, and I believe we do not have to go into that now. In this connection we come to the last document, that is C-126, which you also have in front of you, GB-45. It is in Document Book 10a on Page 92.

With regard to the preparation of the war against Poland, the Prosecution has submitted this document of the High Command of the Armed Forces dated 22 June 1939 and signed by Keitel, because that document contained a timetable for "Case White"; that is, the case of Poland. Did that document or that directive indicate to you a definite aggressive intention?

RAEDER: No. Not a definite intention of aggression at all. In all cases certain long-range questions had to be cleared up, such as, for instance, whether our training ships which used to put to sea in summer should leave, or whether they should wait. This decision, however, was only to be made in the beginning of August. In connection with that order I issued the order of 2 August also pertaining to that document, to the individual higher Naval offices, namely, an operational directive for the use of Atlantic submarines in the Case White. May I be permitted to read the first lines, because the wording is important:

> "Attached is an operational directive for the employment of U-boats which are to be sent out into the Atlantic by the way of precaution in the event that the intention to carry out Case White should remain unchanged. F.d.U. (Commander of the U-boat fleet) is to hand in his operation orders to SKL by 12 August. The decision regarding the sailing of U-boats for the Atlantic will probably be made before the middle of August.
>
> "If the operations are not carried out, this directive must be destroyed by 1 October 1939 at the latest." (Document C-126, Exhibit GB-45)

Thus it was not definite that such operations would take place. It was rather a precautionary measure which had to be taken under all circumstances in connection with the Case White.

DR. SIEMERS: Admiral, you have said that Hitler assured you repeatedly, particularly when you spoke to him personally, that there would not be a war?

RAEDER: Yes.

DR. SIEMERS: Particularly there would be no war against England?

RAEDER: Yes.

DR. SIEMERS: Now, then, on 3 September 1939 war did start with England. In connection with this did you speak to Hitler about that question—and if so, when?

RAEDER: On the 3 September in the morning, I believe between 10 and 11 o'clock—I cannot remember the exact hour—I was called into the Reich Chancellery. The SKL had already informed me that the ultimatum had been received from England and France. I came into the study of the Führer where a number of persons were assembled. I only remember that Deputy of the Führer Hess was present. I could not say who else was there. I noticed that Hitler was particularly embarrassed when he told me that despite all his hopes, war with England was imminent, and that the ultimatum had been received. It was an expression of embarrassment such as I had never noticed on Hitler.

DR. SIEMERS: I come now to the charge made by the Prosecution that you, Admiral, agreed with National Socialism and strongly supported it.

May I be permitted to ask the Tribunal to look at Document D-481, which is GB-215 in Document Book 10a, Page 101. This deals with the oath of civil servants and the oath of soldiers.

[Turning to the defendant.] The Prosecution, with reference to this document, has stated that on 2 August 1934, in a special ceremony, you took an oath to Adolf Hitler, and not to the fatherland. In the transcript, of 15 January 1946, Page 2719 (Volume V, Page 262), we read, "The Tribunal will see that Raeder" —in his oath—"put Führer in the place of fatherland."

I do not understand this and I will ask you to explain, whether it is correct that you had any part in changing the oath from "fatherland" to "Hitler."

RAEDER: No. I cannot understand that accusation at all. The entire matter was not particularly a ceremony. I do not know who is supposed to have observed it so that he could make such a statement. The Commander-in-Chief, Von Blomberg, and the three commanders-in-chief of the Armed Forces were called to Hitler on the morning of 2 August. We were in his study and Hitler asked us to come to his desk without ceremony or staging. There we took the oath which he, as Chief of State and Supreme Commander of the Armed Forces, read to us. We repeated that oath. None of us participated in the writing of that oath and no one had asked us to do so. That would have been quite unusual. The oath referred to the person of Hitler. No previous oath had ever been rendered to the fatherland as far as the words were concerned. Once I took an oath to the Kaiser as Supreme War Lord, once to the Weimar Constitution, and the third oath to the person of the

Chief of State and Supreme Commander of the Armed Forces—Hitler. In all three cases I took the oath to my people, my fatherland. That is a matter of course.

DR. SIEMERS: Admiral, when you were ordered to that meeting on 2 August, did you know before what it was to deal with?

RAEDER: Well, I would assume that his adjutant informed my adjutant that I was to come in connection with the taking of the oath. I could not speak with certainty now, but I assume so.

DR. SIEMERS: It was the morning after the death of Hindenburg?

RAEDER: Yes.

DR. SIEMERS: On the day after the death of Hindenburg?

RAEDER: Yes.

DR. SIEMERS: Did you know about the wording of the oath?

RAEDER: No, but the oath was written on a piece of paper and I assume that we were informed of the wording before, at the desk, there.

DR. SIEMERS: May I say at this time, Mr. President, that the wording is contained in the document that I have mentioned and represents a Reich law.

[Turning to the defendant.] The Prosecution asserts that on 30 January 1937 you became a Party member by virtue of the fact that you received the Golden Party Badge. Will you answer briefly to this point, which has been discussed previously in other cases?

RAEDER: When the Führer gave me the Golden Party Badge he said, specifically, that this was the highest decoration which he could give at the time. I could not become a Party member at all because it had been stated that soldiers could not be members of the Party. That was generally known, and for this reason that assertion likewise is incomprehensible.

DR. SIEMERS: The membership of soldiers was prohibited by the Constitution?

RAEDER: Yes, prohibited. May I say one more thing to prevent any misunderstanding? It was prohibited both by the Weimar Constitution and the decrees which Hitler had issued.

DR. SIEMERS: Were you in opposition to the Party because of your staunch Christian and Church attitude, which was generally known? Briefly, how did it work out? Did you have any difficulties with the Party because of it?

RAEDER: In general I had no great difficulties with the Party, which I think is best explained by the fact that the Navy had

considerable prestige in the Party, as it did in all Germany. I always had the higher officers, at least the chiefs of bases and fleet commanders, settle any friction which occurred in the lower echelons, through the proper authorities. If they were more important they were brought to my attention and I took care of them; if they dealt with matters of principle I passed them on to the OKW. Since I never let anything slip through, in case of incitement by the Party, the entire relations soon became very smooth and I could prevent all sorts of friction, so that before long they rarely occurred. In that respect we had the advantage in the Navy because there were no territorial matters to administer. We were concerned with the sea and only worked in the coastal cities where actually everything concerned the Navy. I did have difficulties because of Heydrich, whom I had removed from the Navy in 1928 or 1929 after a court of honor had sentenced him for unscrupulous treatment of a young girl. He was very resentful toward me for a long time and he tried on various occasions to denounce me to the leadership of the Party or to Bormann and even to the Führer. However, I was always able to counteract these attacks so that they had no effect on my situation in general.

This attitude of Heydrich communicated itself in some way to Himmler, so that here also, from time to time, I had to write a strongly worded letter; but it was precisely the strong wording of those letters which was of help in most cases.

I should not like to waste any time by mentioning various instances, such as the one with the SD; however, there were no direct attacks because of my position in regard to the Church. There was only the statement made by Goebbels, which I learned of through my Codefendant, Hans Fritzsche, that I was in disfavor with the Party on account of my attitude toward the Church; but, as I have said, I was not made to feel it in a disagreeable way.

DR. SIEMERS: I believe I do not need to ask you to waste any time in explaining the importance which you placed on religious matters in the Navy. I will submit an affidavit to this effect without reading it. It was made by Chief Navy Chaplain Ronneberger, whom you have known for many years and who described the situation and thus clarified everything. In that connection, however, may I put one question: Did you emphasize repeatedly to Hitler that a religious attitude was necessary for the soldiers and the Navy?

RAEDER: Yes, that happened frequently, and I kept to this course in the Navy until the end without hesitation.

DR. SIEMERS: In this connection, Mr. President, I might submit Exhibit Number Raeder-121 (Document Raeder-121). It is in my

Document Book Raeder Number 6, Page 523. I should not like to take the time of the Tribunal by asking questions about the contrasting views between the Party and the Navy in matters of the Church. I believe that this document makes it sufficiently clear that a bond between Church and National Socialism was not possible. In this field Bormann is the most outstanding figure, and I should like to read only the first paragraph of the exposé which I have submitted:

"National Socialistic and Christian concepts are incompatible. Christian churches are built on the ignorance of man and are at pains to sustain the ignorance of as large a part of the population as possible, for only in this way can the Christian churches maintain their power. In contrast to this, National Socialism rests on scientific foundations."

In the second paragraph, the last sentence:

"If therefore in the future our young people do not learn anything more about Christianity, the teachings of which are far inferior to our own, then Christianity will disappear of itself."

And, on the second page at the end:

"Just as the harmful influence of astrologers, soothsayers, and other swindlers are eliminated and suppressed by the State, so the possibilities for the Church to exert its influence must also be entirely removed. Only when this has happened will the State leadership have full influence over the individual citizen. Only then will the existence of the people and the Reich be guaranteed for all time."

Since the religious and Christian attitude of the defendant is generally known, I believe this is enough to show the contrast between the Party and the defendant in these matters.

[Turning to the defendant.] Concerning the conspiracy, the Prosecution has also accused you of being a member of the Secret Cabinet Council and the Defense Council. Will you please answer quite briefly, because these questions have been discussed so often that I assume that no one in this Court wishes to hear anything further about these things. Were you a member of the Reich Government?

RAEDER: No.

DR. SIEMERS: According to Document 2098-PS, which is GB-206, Document Book 10, Page 39, a decree of the Führer of 25 February 1938, you and the Commander-in-Chief of the Army were made equal in rank to the Reich Ministers. The Prosecution asserts that therefore you were a member of the Cabinet and were permitted to and did participate in the meetings. Is that correct?

RAEDER: No. I was not a Reich Minister but only equivalent in rank. The reason for that was, I believe, that General Keitel was made equal in rank with the Reich Ministers because, in administering the affairs of the War Ministry, he was frequently in contact with them and had to be on the same level in order to negotiate with them. And since Brauchitsch and myself had seniority over General Keitel we also received the same rank. I was not a member of the Cabinet at all, but the decree states that on the order of the Führer I could participate in a Cabinet meeting. It was probably intended that I was to come to the Cabinet when technical matters had to be explained. However, that never occurred, since after that time there were no Cabinet meetings.

DR. SIEMERS: May I point out that in Paragraph 2 of that decree by Hitler it states: "The commanders-in-chief . . . on my orders shall participate in the meetings of the Reich Cabinet."

RAEDER: Yes. And as far as the Secret Cabinet Council is concerned I need only confirm that, as Hitler told me himself the Secret Cabinet Council had only been formed in order to honor the retiring Foreign Minister, Von Neurath, in order to give the impression abroad and at home that Von Neurath would still be consulted on foreign policy in the future. However, that Secret Cabinet Council never met.

DR. SIEMERS: The Prosecution has made the charge that on 12 March 1939, on the day commemorating the heroes, you made a speech and that in that speech you came forth with a ruthless challenge to fight against Bolshevism and international Jewry.

May I state, if it please the Court, that unfortunately the speech was entered in the document book by the Prosecution only from an excerpt which was selected from a certain point of view; and I believe that it would be well to know the context of the entire speech. Of course, I shall not read it, but I should like to submit it as Exhibit Number Raeder-46. The sentence is in my Document Book Number 3, Page 235, the page from which the Prosecution took the quotation. Will you please briefly express your opinion of that.

RAEDER: May I in doing so read a few short sentences which will characterize the entire speech?

DR. SIEMERS: I have no doubt that the Tribunal will permit that. I only ask you to use only a few significant sentences, just as the Prosecution have done.

RAEDER: On Page 7, Line 6, it says . . .

DR. SIEMERS: Excuse me. That is on Page 235, the same page which contains the quotation of the Prosecution.

RAEDER: Shortly before the quotation of the Prosecution we read on Line 6:

> "He has given back self-confidence and confidence in their own ability to the German people, and thereby enabled them to retake, by their own strength, their sacred right refused to them during the time of their weakness and, beyond that, to approach the tremendous problems of the times with courage, and to solve them. Thus the German people and the Führer have done more for the peace of Europe and the world than some of our neighbors are able to realize today." (Document Number Raeder-46)

Then we come to the sentence where I speak about the announcement of the fight against Bolshevism and international Jewry which has been quoted by the Prosecution. I should like to state briefly in connection with it that after the experiences of the years 1917 to 1919, communism and international Jewry had destroyed the resistance of the German people to a considerable degree and had gained an excessively large and oppressive influence in German affairs, in affairs of state as well as in economic affairs, as for example also in the legal field. Therefore, in my opinion, one could not be surprised that the National Socialist Government tried to loosen and, as far as possible, remove this large and oppressive influence. Although in pursuing this course the National Socialist Government took rather severe steps which led to the Nuremberg Laws—the exaggerations of which I regretted, of course—nevertheless, in the course of the speech which I made in public at the orders of the Reich Government, I could not find it compatible with my conscience to express my personal opinions, which were basically different. It must also be considered that such a speech had to fit into a general framework. That, however, was only one short sentence, whereas other points were considerably more in the foreground. In that connection I ask for permission to read two more short sentences:

> "And this is the reason for the demand for equal rights and equal respect with all other nations which alone can guarantee that the nations will live peacefully together on this earth."

Then the last sentence, on Page 235:

> "Within the bounds of German national community the Führer has assigned us our tasks as soldiers to protect our homeland and our peaceful national reconstruction and to train the young manhood, fit for military service, which was entrusted to us and which has to pass entirely through our hands."

The next sentence was quoted by the Prosecution, because there I spoke of the fact that we should not only train these young people

technically in the sense of the technical use of arms but also educate them in the sense of National Socialist ideology and philosophy, and I stated that we had to march shoulder to shoulder with the Party.

I have always taken the view that the Armed Forces should not be a completely extraneous body in the State. It would be impossible to have a republican armed force in a monarchist state or an armed force with monarchist tendencies in a democratic state. Thus our Armed Forces would have to be incorporated into the National Socialist State to the extent necessary to create a real people's community, and it would be the task of the commanders of the Armed Forces to educate their branches of the forces in such a way that they would recognize and live up to the good national and socialist ideals of the National Socialist State. This would be done in the same way as I did it as Commander-in-Chief of the Navy. In this way it was possible to incorporate the Armed Forces in an orderly manner, to keep them from all exaggeration and excesses, and at the same time to form a people's community within the State.

And then on the bottom of Page 236:

"This nation needed a new, a true peace, the peace of justice and honor, peace without hatred. The world also needs peace. Because a weak Germany could not obtain peace, a strong one has won it for herself. It is the proud task of the German Wehrmacht, to secure this peace for the German nation against everybody."

And quite at the end of the document, the 11th or 12th line from the bottom of the page:

"But the soldier over there, whom we respect as the valiant representative of his country, may accept a soldier's word: What Germany needs and wants is peace. These are not just words but it has been proved by practical examples. The construction work of Germany requires many years of quiet development."

I think that this is sufficient...

DR. SIEMERS: I believe that is sufficient.

May I point out to the High Tribunal that in the English translation, on Page 236, as far as I remember, one sentence was underlined. That is: "The Wehrmacht and Party are one indivisible entity." The Prosecution has submitted that. Apart from that, nothing is underlined.

I wish to say in passing that in reality, in the original, many other passages are underlined, particularly those sentences which Admiral Raeder has just read which deal with peace.

[Turning to the defendant.] Admiral, the Prosecution has accused you with having connections with all the political activities of National Socialism. Therefore I am compelled to ask you briefly concerning your participation in actions in those countries where participation by the Navy is certainly surprising.

In what way were you connected with the measures concerning the annexation of Austria?

RAEDER: The Navy had nothing to do with the Anschluss of Austria at all and did not take part in any way.

DR. SIEMERS: Did you make any preparations?

RAEDER: No. In the case of Austria, no preparations were needed. The case of Austria was mentioned in Document C-175, but that dealt only with the directive of 1 July 1937 for the unified preparation of the Armed Forces for war.

DR. SIEMERS: May I point out that C-175 is USA-69, in the Document Book of the British Delegation, 10a, Page 117.

[Turning to the defendant.] The Prosecution considers this document important and therefore I should like you to say a few words about it.

RAEDER: It deals with a statement, which, according to my knowledge, is made in every state for every year and in which, according to the political situation, such cases are mentioned which may arise in the course of the year and for which, of course, certain preparations have to be made. For the Navy, however, that document had no sequel as far as Austria was concerned.

DR. SIEMERS: So it is a document which numerous...

THE PRESIDENT: I am not sure that we have the reference to that right. It came through, I thought, C-157, USA-69, 10a, and then I did not get the page.

DR. SIEMERS: Page 117.

THE PRESIDENT: Is that C-157 or 175?

DR. SIEMERS: C-175.

[Turning to the defendant.] Does this concern strategic preparations for various eventualities?

RAEDER: Yes; various cases are mentioned here, for instance, the "Case Red" and the special "Case Extension Red-Green." All these had to be dealt with but they did not necessarily lead to any consequences.

DR. SIEMERS: Mr. President, in that connection I wanted to submit various documents, Raeder exhibits, from which it can be seen that the same type of preparations, since they are necessary for military and strategic reasons, were also undertaken by the

Allies—only to show their necessity. At this moment I should like to forego that because I cannot determine so quickly which of these documents are admitted and which have been rejected. Perhaps I may therefore submit the connected documents at the end in order that no misunderstanding may occur now by my quoting the wrong figures.

[Turning to the defendant.] In what way did you and the Navy participate in measures concerning the Sudetenland?

RAEDER: In a directive . . .

DR. SIEMERS: I beg your pardon. May I ask you to look at the document of the Prosecution 388-PS. It is USA-126—no, excuse me—USA-26. It is in the Document Book of the British Delegation, 10 a, Page 147. It is a draft for the new directive "Grün" of 20 May 1938.

RAEDER: Yes, I have the directive here. It is of 20 May 1938 and says with regard to the Navy:

> "The Navy participates in the operations of the Army by employing the Danube flotilla. That flotilla is put under the command of the Commander-in-Chief of the Army. In regard to the conduct of naval warfare, at first only those measures are to be taken which appear to be necessary for the careful protection of the North Sea and the Baltic against a sudden intervention in the conflict by other states. Those measures must be confined to what is absolutely necessary, and must be carried out inconspicuously."

The entire course of action at the end of September and beginning of October made the special measures unnecessary, so the Danube flotilla which we had taken over from Austria was put under the command of the Army.

DR. SIEMERS: What was the size of the Danube flotilla?

RAEDER: It consisted of some small river craft, one small gunboat and minesweepers.

DR. SIEMERS: That is the total extent to which the Navy participated?

RAEDER: Yes, in which the Navy participated.

DR. SIEMERS: In what way did you and the Navy participate in the preparations for the occupation of what the document calls the "remainder of Czechoslovakia"?

This concerns Document C-136, USA-104 in the Document Book of the British Delegation, 10 a, Page 101. It is of 21 October 1938. The Prosecution points out that according to that you had already been informed in October that Czechoslovakia was to be occupied

after some time, that is in March, as actually happened. Will you please tell us something about that?

RAEDER: That directive looks suspicious at first but the way in which it is drafted shows that this again refers to possible cases. Point 1 deals with the securing of the borders of the German Reich and protection against surprise air attacks.

Points 2 and 3 are "Liquidation of the remainder of Czechoslovakia," "Occupation of the Memel Country."

Number 2, "Liquidation of the remainder of Czechoslovakia": The first sentence reads, "It must be possible to shatter the remainder of Czechoslovakia at any time if her policy should become hostile toward Germany."

That is the prerequisite in case of any action against Czechoslovakia; that did not mean that it was certain that any action would be taken.

In the same manner, under Number 3, mention is made of the occupation of the Memel country, where it says: "The political situation, particularly warlike complications between Poland and Lithuania, may make it necessary for the German Armed Forces to occupy the Memel country."

DR. SIEMERS: Excuse me. May I point out that, according to my document, the part which the witness has just read is missing in the English translation—so that you will not look for it unnecessarily.

[Turning to the defendant.] So here again this is a possible eventuality?

RAEDER: Yes.

DR. SIEMERS: On 3 September 1939, at the beginning of the war, the *Athenia* was sunk. From the military point of view that case has already been clarified by Herr Kranzbühler, but I should like you as Commander-in-Chief of the Navy to state your position and give an explanation of the incident with special consideration of the fact that the Prosecution, especially in this case, has raised a very severe and insulting accusation. They have made the accusation that you, purposely and in violation of the truth, held England and Churchill responsible for the sinking of the *Athenia,* although you knew perfectly well that the *Athenia* had been sunk by a German U-boat. As proof, the Prosecution has submitted the article of 23 October 1939 from the *Völkischer Beobachter.*

Mr. President, that is Document Number 3260-PS, GB-218. Document Book 10 of the British Delegation on Page 97.

[Turning to the defendant.] I would like you to explain that point.

RAEDER: The fact is that on 3 September at dusk the young submarine commander of the submarine *U-30* met an English passenger ship which had its lights dimmed and torpedoed it because he assumed, by mistake, that it was an auxiliary cruiser. In order to avoid misunderstanding I should like to state here that the deliberations of Kapitänleutnant Fresdorf, which have been mentioned here concerning the torpedoing of dimmed ships in the Channel, did not yet play any part in the Naval Operations Staff at that time and that this commanding officer could not have known anything about these deliberations. He knew only that auxiliary criusers had their lights blacked out, and he assumed that this was an auxiliary cruiser at the entrance of the northwest channel, England-Scotland. He did not make a report since it was not necessary. The information that a German U-boat had torpedoed the *Athenia* was broadcast by the British radio, and we probably received the news during the night of the 3d to the 4th, and transmitted it to the various news services.

In the morning of 4 September we received that news at the offices of the Naval Operations Staff, and I requested information as to how far our nearest submarine was from the place of the torpedoing. I was told, 75 nautical miles. At about the same time, State Secretary Von Weizsäcker in the Foreign Office, who had been a naval officer in the first World War, learned of this situation and made a telephone call to the Naval Operations Staff, asking whether it was true. He did not call me personally. He received the answer that, according to our information, it could not be right. Thereupon he sent for the American Chargé d'Affaires —I believe Mr. Kirk—in order to speak to him about the matter because the radio broadcast had also mentioned that several Americans had been killed in that accident. From his experiences in the first World War it was clear to him how important it was that there should be no incident involving America. Therefore, he told him what he had heard from the Naval Operations Staff. I personally told the same thing to the American Naval Attaché, Mr. Schrader, and that certainly in good faith. I believed that I could tell him that in good faith because we had no other information. State Secretary Von Weizsäcker then came to see me personally, if I remember correctly. We were very close friends, and he told me what he had told the American Chargé d'Affaires. He apologized, I believe, for not having spoken to me personally and that concluded the case for the time being.

The matter was such that, if it had been reported in a normal way, we would not have hesitated to admit and to explain the reason. We would not have hesitated to apologize to the nations concerned. Disciplinary measures would have been taken against

the officer. I also reported the incident to the Führer himself in his headquarters and told him that we were convinced such was not the case, and the Führer ordered that it should be denied. This was done by the Propaganda Ministry, which had been informed of the order by my press department.

The submarine returned on 27 September...

DR. SIEMERS: Excuse me if I interrupt. That date, Mr. President, is identified by Document D-659, which was submitted by the Prosecution, it is Exhibit GB-221 in Document Book 10 on Page 110.

RAEDER: The submarine commander returned on 27 September to Wilhelmshaven. Admiral Dönitz has already described how he received him and how he immediately sent him to me to Berlin by air.

The U-boat commander reported the entire incident to me and confirmed that it was a sheer mistake, that it was only through all these messages he had heard that he himself discovered that it was not an auxiliary cruiser that was concerned but a passenger steamer.

I reported the facts to the Führer because they could have had severe political consequences. He decided that, as it had been denied once, we had to keep it utterly secret, not only abroad but also within official circles and government circles. Consequently, I was not in a position to tell State Secretary Von Weizsäcker or the Propaganda Ministry that the facts were different. My order to the Commander of the U-boat fleet reads:

"1. The affair is to be kept strictly secret upon orders of the Führer.

"2. On my part, no court-martial will be ordered because the commanding officer acted in good faith and it was a mistake.

"3. The further political handling of the matter is to be attended to by the High Command of the Navy, as far as anything has to be done."

With that the commander returned to Wilhelmshaven and Admiral Dönitz has already reported that he was punished by disciplinary procedure. To our great surprise, about one month later that article appeared in the *Völkischer Beobachter* in which Churchill was accused of being the author of that incident. I knew absolutely nothing about that article beforehand. I would certainly have prevented its appearance because, knowing that our submarine had torpedoed that ship, it was out of the question to lay the blame on the enemy, on the First Lord of the Admiralty of all people.

I found out later that the order to publish such an article was issued by Hitler and reached the Propaganda Ministry through the Reich Press Chief. As far as I remember I was told that the

Propaganda Minister had himself drafted that article. Later I could not prevent it. I did not see the article nor did any of my officers of the High Command of the Navy see it. They would certainly have come to me at once so that I could have prevented its publication. We had no reason to expect such an article 4 weeks after the torpedoing of the *Athenia*. That is the case of the *Athenia*.

DR. SIEMERS: You just said that you had discovered that Hitler knew about the article. When did you discover this?

RAEDER: Here, from my Codefendant, Hans Fritzsche.

DR. SIEMERS: Not at that time then?

RAEDER: No, by no means.

THE PRESIDENT: The Tribunal will sit again at a quarter past two.

[The Tribunal recessed until 1415 hours.]

Afternoon Session

DR. SIEMERS: In the meantime I have perused my documents and I am therefore in a position to carry out the original plan, that is, of submitting the documents during the examination.

In connection with the documents which we dealt with last, Document C-126, "Strategic Preparations," I should like to submit the following documents which are contained in the *White Books,* documents which have been granted me for my use and which also concern strategic preparations on the part of the Allies. We are dealing with Exhibit Number Raeder-33. It is the document dated 9 November 1939; and also Exhibit Number Raeder-34, General Gamelin to General Lelong, 13 November 1939; and also Exhibit Number Raeder-35, two extracts from the Diary of Jodl, 1809-PS, which concern the measures taken by the Luftwaffe regarding the Caucasus. It is not necessary for me to comment on this. I would just like to call your attention to the questions which I put to the witness Reich Marshal Göring on 18 March; he has already testified regarding the plans of the Allies for the destruction of the Caucasian oil fields. And finally in this connection, Exhibit Number Raeder-41, to be found in the Document Book 3, Page 205, and the following pages, a report of the Commander-in-Chief of the French Army, General Gamelin, dated 16 March 1940, it deals with the war plans for the year 1940 concerning the tightening of the blockade, the plans regarding the Scandinavian countries and, in addition, the plans for the destruction of the Russian oil wells in the Caucasus.

[Turning to the defendant.] Admiral, before I deal with the separate campaigns of Greece, Norway, and so forth, I would like to ask you to answer a question which relates to you personally. What decorations did you receive from Hitler?

RAEDER: I received from Hitler in the autumn of 1939 in addition to the Golden Emblem, which I have already mentioned, the Knight's Order to the Iron Cross. Furthermore, in the year 1941 on the occasion of my 65th birthday I received a donation of 250,000 marks. This donation was given to me by Hitler through an adjutant and in connection with that he sent a document.

When I thanked him on the very first occasion, he told me that he was giving me this donation as a means of decoration in the same manner as the former rulers of Prussia had given their generals similar donations, whether as sums of money or as a country estate; then he emphasized that Field Marshals Von Hindenburg and Von Mackensen had received donations from him as well.

DR. SIEMERS: Now I shall turn to the passage "Greece." With regard to Greece, the Prosecution has quoted Document C-12, which

is GB-226. This is to be found in Document Book Number 10, Page 1. This document deals with the decision on the part of Hitler which was transmitted through the OKW, dated 30 December 1939, signed by Jodl, and we read under Number 1.):

"Greek merchant ships in the area around England, declared by the United States to be a barred zone, are to be treated as enemy vessels."

This decision on the part of Hitler was made on the basis of a report by the SKL. What caused you to make this report even though Greece was neutral at the time?

RAEDER: At that time we had received a large number of intelligence reports from our intelligence service that Greek shipping companies apparently with the knowledge of the Greek Government were allowing Greek ships to be chartered by England under favorable conditions. Therefore, these Greek ships were in the service of England and thus were to be treated in the same way as we were treating the English merchantmen. These intelligence reports were confirmed later on to an even greater degree than had been the case in the beginning.

DR. SIEMERS: In this connection I would like to submit to the High Tribunal Exhibit Raeder-53, to be found in my Document Book 3, Page 258. This document deals with the War Diary kept by the SKL in the month of December 1939.

On Page 259, under the date of 19 December, the following entry is made:

"Greece has hired out about 20 vessels to ply between the United States, Le Havre and Liverpool."

This is confirmed by the reports just mentioned by the defendant. The next entry, on the same page under the date 30 December:

"Justified by the sales and chartering of numerous Greek ships to England it has been decreed, with the agreement of the Führer, that Greek ships in the zone from 20 degrees West to 2 degrees East and from 44 degrees North to 62 degrees North shall be considered as hostile craft by U-boats. Attacks to be made invisibly as far as possible."

I also submit the following document, Number Raeder-54. This document is taken from the *White Books*. It is dated 23 January 1940, and it is a report from the German Embassy at the Hague to the Foreign Office. The heading is: "The Contemplated Chartering of 50 to 60 Greek Ships to the British Government." It is not necessary for me to read it. I should like merely to quote the beginning of the first sentence:

"After the British press brought reports at the end of November last year"—that is, 1939—"about the alleged charterings of Greek

vessels to British companies"—and so forth—then follows the statement that these 50 to 60 ships are now chartered by British companies.

Even though it is not quite accurate historically, I would now like first of all to conclude the question of Greece. In historical sequence Norway should follow now first, but for the sake of coherence I should like to deal with Greece and the occupation of Greece first.

In the Document C-152, identical with C-167 or Exhibit GB-122, in the Document Book of the British Delegation Number 10, Page 23, the Prosecution has charged you with the Figure 9 of this lengthy document, specifically Figure 9.)B.)f.). It says there:

"The Commander-in-Chief of the Navy requests confirmation of the fact that the whole of Greece is to be occupied even in the case of a peaceful solution. The Führer: Complete occupation is a stipulation for any settlement."

This document concerns your report to Hitler of 18 March 1941. What were the reasons for your making this proposal?

RAEDER: In the beginning I had but little knowledge of the political intentions of the Führer as far as Greece was concerned, but I did know of his Directive Number 20, dated 13 December 1940.

DR. SIEMERS: I beg your pardon, I would like to mention for the assistance of the Court that we are dealing with Document 1541-PS, that is GB-117, Document Book of the British Delegation 10a, Page 270. This directive is dated 13 December 1940.

RAEDER: In this directive the Führer, for the reasons given in Paragraph 1, said that his intention was, as set forth in Paragraph 2:

"b.) After the setting in of favorable weather, probably in March, to employ this group of forces to occupy the north coast of the Aegean by way of Bulgaria, and if necessary to occupy the entire Greek mainland ('Operation Marita'). The support of Bulgaria is to be expected."

The next time I heard about these things again was when I heard that the British had landed in southern Greece on 3 March. We learned that on about 5 or 6 March. For this reason I asked the Führer that he occupy all of Greece in order to prevent the British from attacking us from the rear, by air, and from erecting air bases, all of which would hamper the conduct of our war not only in Greece but also in the eastern Mediterranean.

The fact was that when a political decision had been made by Hitler of his own accord and without having consulted anyone, I, as Chief of the Naval Operations Staff, always had to draw my strategic conclusions from this political decision and then had to

make to him my proposals on naval and on other warfare as far as they concerned me.

Since in December he had already considered the possibility that all of Greece would have to be occupied, the case had now actually arisen for me to make this proposal to him for the reason I have already mentioned. When I said "all of Greece," that implied to me and the Naval Command the entire Greek coast, where the British forces might land.

DR. SIEMERS: Your proposal was made about 2 weeks after British troops had landed in Greece?

RAEDER: Yes.

DR. SIEMERS: In this same connection I would like to submit Exhibit Raeder-58, in my Document Book 3, Page 271. This is a document contained in the *White Book,* according to which on 4 January—I beg the Tribunal's pardon. Sir David is right. Document 58 has been rejected and I withdraw it.

In this connection I would like to submit Exhibit Number Raeder-59. It is to be found in Document Book 3, Page 273 and is an extract from the *White Book.* It is the minutes of the French War Committee of 26 April 1940. This document deals with the decision of the War Committee regarding Norway, the Caucasus, Romania, and Greece.

I also submit Exhibit Number Raeder-63, in Document Book 3, Page 285, which is an address by the British Secretary of State for India, Amery, dated 1 December 1940. This document also shows plans regarding Greece, a year and a quarter before the time just mentioned by the witness.

Now I shall turn to the topic of Norway.

[Turning to the defendant.] The British prosecutor, Major Elwyn Jones, considers the attack against Norway a special case in the series of aggressive wars waged by the Nazi conspirators. In this connection he pointed out that, in this case, Hitler did not think of this himself but rather was persuaded by you. Since his point is very important, I should like to ask you to describe this event exactly, and therefore I ask you first of all: When was the first conversation about this matter between you and Hitler?

RAEDER: The first conversation between Hitler and myself concerning the question of Norway was on 10 October 1939, and that was at my request. The reason for this was that we had received reports at various times during the last week of September through our intelligence service of the offices of Admiral Canaris that the British intended to occupy bases in Norway.

I recall that after reports to this effect had reached me several times Admiral Canaris visited me himself on one occasion—something he did in very important cases only. And, in the presence of my chief of staff, he gave me a coherent explanation concerning the intelligence reports which had been received. In this connection air bases were constantly mentioned, as well as bases in the south of Norway. Stavanger was mentioned constantly with the airport Sola, and Trondheim was usually mentioned and occasionally Christiansand.

During the last days of September I had a telephone conversation with Admiral Carls who was the commander of Navy Group North and was therefore in charge of operations in the Skagerrak, the Kattegat and in the North Sea. This man had obviously received similar reports. He informed me that he had composed a private letter addressed to me, in which he dealt with the question of the danger of Norway's being occupied by British forces and in which he was in a general way dealing with the question as to what disadvantages such a step would have for us, and whether we should have to forestall such an attempt, and also what advantages or disadvantages the occupation of Norway—that is, of the Norwegian coast and the Norwegian bases—by our forces would have.

Up until that point I had not concerned myself with the Norwegian question at all, except for the fact I had received these reports. The arrival of this letter at the end of September or the beginning of October, it must have been about then, impelled me to show it to the Chief of Staff of the SKL and to instruct him to deal with all dispatch with the question of the occupation of Norwegian bases by England, and the other questions which Admiral Carls had dealt with, and to have the questions discussed in the SKL. The advantages and disadvantages of an expansion of the war towards the North had to be considered, not only of an expansion on our part but, above all, an expansion on the part of England; what value, what advantage would accrue to us if we acted first; what disadvantages would result if we had to defend the Norwegian coast?

The result of this was the questionnaire mentioned in C-122, GB-82, where the questions were asked: What places were to be used as bases; what the possibility of defense by us would be; whether these ports would have to be developed further; and also, what advantages would result so far as our U-boats were concerned?

These questions, as I have already stated, were put to Admiral Dönitz as well, but his answers arrived only after I had made the report on 10 October. I would like to say, by way of introduction, that it was entirely clear to me that if we undertook to occupy these bases we would violate neutrality. But I also knew of the agreement

which existed between the German and Norwegian Governments of 2 September regarding neutrality, and I knew the concluding sentence, in this *aide memoire,* which is Document TC-31, GB-79, dated 2 September 1939.

DR. SIEMERS: I beg your pardon, but I should like to point out, Mr. President, that this document is found in the Document Book of the British Delegation 10a, at Page 330.

[Turning to the defendant.] You have that document before you?

RAEDER: Yes, I have it before me, and I would like to quote the concluding sentence.

DR. SIEMERS: It is the last document in the book, Your Honor, at Page 329.

RAEDER: *[Continuing.]* The last sentence:

> "Should the attitude of the Royal Norwegian Government change so that any such breach of neutrality by a third party recurs, the Reich Government would then obviously be compelled to safeguard the interests of the Reich in such a way as would be forced upon the Reich Cabinet by the resulting situation."

Then, within the next few days, I asked the Chief of Staff of the SKL to submit to me the data which the SKL had prepared during the preceding days and I reported to Hitler on 10 October, because I considered this problem particularly important. It was entirely clear to me that the best possible solution for us would be that Norway should maintain a steadfast neutrality, and I expressed my opinion, as may be seen in Document C-21, GB-194.

This is an extract from the War Diary of the SKL.

DR. SIEMERS: It is in the Document Book of the British Delegation 10a, Page 6.

RAEDER: It says here, on Page 3 of the German version, the next but last paragraph, under the date of 13 January: "Situation discussion with the Chief of the SKL."

DR. SIEMERS: I beg your pardon, Mr. President. C-21 was not entirely translated by the Prosecution. This document may be found in my document book under Exhibit Number Raeder-69, and I should like to submit it herewith. It is in Document Book 3, Page 62.

THE PRESIDENT: Document Book 3 only goes to 64, is that not right? It must be Document Book 4.

DR. SIEMERS: There must be a mistake in the document book then. At first, due to an oversight, the table of contents was only completed as far as 64 by the Translation Section, but since that

time it has been corrected and supplemented. It is in Document Book 4, Page 317.

THE PRESIDENT: Yes, Page 317, at the top.

DR. SIEMERS: *[Turning to the defendant.]* Please comment on this document.

RAEDER: In the next but last paragraph, it says:

> "In complete agreement with this point of view, the Chief of the Naval Operations Staff is therefore also of the opinion that the most favorable solution would doubtless be the maintenance of the present situation which, if strictest neutrality is exercised by Norway, will permit the safe use of Norwegian territorial waters for the shipping vital to Germany's war effort without the attempt being made on the part of England to seriously endanger this sea lane." (Document Number Raeder-69)

I maintained this point of view when reporting to Hitler. In that report I first mentioned the intelligence reports which we had at hand. Then I described the dangers which might result to us from a British occupation of bases on the Norwegian coast and might affect our entire warfare, dangers which I considered tremendous. I had the feeling that such an occupation would gravely prejudice and imperil the whole conduct of our war.

If the British occupied bases in Norway, especially in the South of Norway, they would be able to dominate the entrance to the Baltic Sea from those points, and also flank our naval operations from the Helgoland Bight and from the Elbe, Jade and Weser. The second outlet which we had was also gravely imperiled, affecting the operations of battleships as well as the courses of our merchantmen.

In addition to that, from their air bases in Norway, they might endanger our air operations, the operations of our pilots for reconnaissance in the North Sea or for attacks against England.

Furthermore, from Norway they could exert strong pressure on Sweden, and that pressure would have been felt in this respect, that the supplies of ore from Sweden would have been hindered or stopped by purely political pressure. Finally, the export of ore from Narvik to Germany could have been stopped entirely, and it is known how much Germany depended on supplies of ore from Sweden and Norway. They might even have gone so far—and we learned about this subsequently that such plans were discussed—as to attack and destroy the ore deposits at Lulea, or to seize them.

All of these dangers might become decisive factors in the outcome of the war. Aside from the fact that I told Hitler that the best thing for us would be to have strict neutrality on the part of Norway, I also called his attention to the dangers which would

result to us from an occupation of the Norwegian coast and Norwegian bases, for there would have been lively naval operations near the Norwegian coast in which the British, even after our occupation of bases, would try to hamper our ore traffic from Narvik. A struggle might ensue which we, with our inadequate supply of surface vessels, would be unable to cope with in the long run.

Therefore, at that time I did not make any proposal that we should occupy Norway or that we should obtain bases in Norway. I only did my duty in telling the Supreme Commander of the Wehrmacht about this grave danger which was threatening us, and against which we might have to use emergency measures for our defense. I also pointed out to him that possible operations for the occupation of Norwegian bases might be very expensive for us. In the course of later discussions I told him that we might even lose our entire fleet. I would consider it a favorable case if we were to lose only one-third, something which actually did happen later on.

There was, therefore, no reason for me to expect that I would gain prestige by such an enterprise—I have been accused of this ambition by the Prosecution. As a matter of fact, the exact opposite might easily result.

DR. SIEMERS: I should like to call the attention of the Tribunal to the fact that these things may be seen in documents which date from the time of the war, one of which is Exhibit Number Raeder-69, of 13 January 1940, which has just been handed over. This document is a study, and it is claimed that this study is based on the consideration that if England were to have the bases in Norway, the situation would be impossible for the conduct of the war by Germany and such a situation could be prevented only if we forestalled England by occupying Norway ourselves. What the witness has just said is stated in exactly the same way in the War Diary.

In the same connection, I should like to refer to the document of the Prosecution, Document C-66, GB-81, which may be found in British Document Book 10a, Page 35. This document is dated 10 January 1944. May I ask the Tribunal to take judicial notice of the fact that there, under the code name "Weserübung" (Weser Maneuver)—that was the name covering this action—the substance of the statements the witness has just made is to be found. I do not wish to read all of them since we would lose valuable time thereby.

THE PRESIDENT: You mean C-66? That is about the Plan Barbarossa. Is that the one you mean?

DR. SIEMERS: The last page, under the heading "Weserübung," Page 39 of the English document book. Mention is made there of the letter by Admiral Carls, spoken of by the witness, and of his

thoughts in connection with this matter. In the German original there is the heading, "Appendix 2."

A clearer version is found in Document Raeder-69, since that dates from January 1940, 3 months later, and in the meantime new reports had come in. This, on the other hand, is a description dating from October 1939.

[Turning to the defendant.] Admiral, I must once more refer to Document C-122, which you have already mentioned.

The Prosecution, in that document, accuses you of saying:

"The Chief of SKL deems it necessary to tell the Führer as soon as possible of the ideas of the SKL on the possibility of expanding the sphere of operations in the North."

They think they may conclude therefrom that your primary thought was to expand the operational sphere of the Navy.

RAEDER: I have already said that by the possibility of expansion of the operational zone to the North I meant an expansion of British operations and its consequences, and also the possibility of our forestalling this, thus gaining bases which would be of certain importance to us.

DR. SIEMERS: What did Hitler reply at this discussion on 10 October 1939?

RAEDER: Hitler had not yet concerned himself with this question. The question was very far from his mind, for he knew very little about matters of naval warfare. He always remarked that he did not have an over-all picture of these things, and therefore felt somewhat uncertain. He said that he would deal with this question and that I should leave the notes with him, which I had worked out on the basis of statements made by the SKL, so that he might use them as a basis for his deliberations on this problem.

It was typical and really speaks very much against the character of the conspiracy, that on this occasion Hitler, when confronted with the problem of Norway, did not say a single word about the fact that previously, the last time evidently in the summer of that year, he had already dealt with Norwegian questions prompted by Rosenberg. I gather from a document which I saw for the first time here that on 20 June 1939, Rosenberg had submitted to the Führer a comprehensive report about his connections with Norwegian political circles, but I heard of these connections for the first time on 11 December.

It would have been a matter of course for me if the Führer, who was dealing with Norwegian strategical matters, had told me on this occasion: "I have such and such information about Norwegian matters." But he did not do that—there was always a considerable lack of collaboration. The Führer told me that we should await the

arrival of further reports and that he would deal with these questions.

DR. SIEMERS: In the subsequent period of October and November, up until 11 December, did you discuss this question with Hitler again?

RAEDER: No, the question was not discussed at all during those months, but in September Korvettenkapitän Schreiber, who had first been appointed assistant attaché in Oslo and later, naval attaché, gave me further reports at that time about conditions in Norway, and so did the intelligence service. He told me of reports which were circulating there about a possible British landing. Later on Kapitän Schreiber was actually my chief collaborator in these Norwegian problems, and he showed a particular understanding of the whole situation.

DR. SIEMERS: In this connection, I should like to submit to the Tribunal Exhibit Raeder-107, an affidavit of the naval attaché who has just been mentioned, Richard Schreiber. This may be found in my Document Book 5, Page 464.

According to that document, Schreiber was drafted on 7 September 1939 as a reserve officer and was sent to Oslo as a naval attaché. He states that he held that post there since the autumn of 1939.

With the permission of the Tribunal, I should like to read a portion of this, under I, on Page 465, at the bottom.

THE PRESIDENT: We told you that we had read all these documents which were objected to. We let in this document, so it is not necessary for you to read it again.

DR. SIEMERS: Very well. Then in this connection, may I refer to the first part of this affidavit, Part I?

Mr. President, I should like to point out a small but misleading error in translation on Page 466. In the second paragraph, second line, the word "deutsch," (German) is missing: "... there were clear directives of the German Foreign Office that Norwegian neutrality should be particularly respected by the Germans ..." In the English text it says: "of the Foreign Office." It should read "of the German Foreign Office." I should be very grateful if this mistake would be rectified.

[Turning to the defendant.] Admiral, you know the affidavit given by Schreiber?

RAEDER: Yes.

DR. SIEMERS: Different reports are contained therein. You have already referred to them in part. Did any additional special reports come in during those 2 months? Was Narvik mentioned in addition to the other ports already mentioned?

RAEDER: As far as I remember it was Kapitän Schreiber who expressly mentioned Narvik for the first time. Kapitän Schreiber had very quickly made himself acquainted with conditions there. He had established good connections in Norwegian circles. A confirmation of all that I had known up to that point came on 11 December.

DR. SIEMERS: Now, would you please describe your meeting with Quisling on 11 December 1939?

RAEDER: May I first ask whether the Documents 004-PS and 007-PS, which I believe were submitted by the Prosecution, may be used in this connection? For example, the minutes of the conference of 11 and 12 December, an accompanying letter by Rosenberg referring to these minutes, and similar matters?

DR. SIEMERS: Admiral, I believe that you will be permitted to use these documents. But since they are known you only need to mention the points that you remember.

RAEDER: Yes.

DR. SIEMERS: On this occasion I should merely like to ask whether you did not know the documents by Rosenberg, 004-PS and 007-PS?

RAEDER: No, I did not know those documents.

DR. SIEMERS: Did you see them for the first time here?

RAEDER: I saw them for the first time here. But the reports contained in these documents were already known to us at that time as is proved by the dates of the documents.

DR. SIEMERS: Please tell us only what you heard at that time from Quisling.

RAEDER: Up until 11 December I had neither connections with Herr Rosenberg—except for the fact that I had seen him on occasion—nor, above all, did I have any connections with Quisling about whom I had heard nothing up to that time.

On 11 December my Chief of Staff, Schulte-Mönting, reported to me that Major Quisling, a former Norwegian Minister of War, had arrived from Oslo. He was asking for an interview with me through a Herr Hagelin, because he wished to tell me about Norwegian conditions.

Herr Hagelin had been sent to my chief of staff by Herr Rosenberg. Rosenberg had already known Hagelin for some time as I have mentioned before. Since reports from such a source on Norwegian conditions seemed to be of great value to me, I declared myself ready to receive Herr Quisling.

He arrived on the same morning and reported to me at length about the conditions in Norway, with special reference to the relations of the Norwegian Government to England and the reports on the intention of England to land in Norway, and he characterized the whole situation as especially critical for, according to his reports, the danger seemed to be imminent. He tried to fix a date. He thought it should occur before 10 January, because then a favorable political situation would arise.

I told him that I was not really concerned with the political situation, but I would try to arrange to have him give his information to the Führer. I would be concerned only with the military and strategic situation, and in that connection I could tell him right away that it would not be possible to take any measures from 11 December until 10 January, first because the time was too short and secondly because it was winter.

I considered his expositions to be of such importance that I told him I would try to arrange for him to report to the Führer personally, so that these reports would reach and influence him directly.

Then on the 12th—that is, on the next day—I went to Hitler and informed him of the conversation between Quisling and me, and I asked him to receive Quisling personally so that he might have a personal impression of Quisling. On this occasion I told him—and this is written down in one of the documents—that in cases of this kind one would have to be especially cautious, since one could not know to what degree such a party leader would try to further the interest of his party. Therefore our investigations would have to be especially careful. And I again called the attention of the Führer to the fact that an attempt to occupy Norway would bring with it greatest risks as well as certain disadvantages for the future situation. In other words, I carefully presented both sides of the picture in a neutral manner.

Hitler then decided to receive Quisling together with Hagelin on one of the following days. The two gentlemen then were obviously in touch with Rosenberg. I believe they stayed with him, and Rosenberg sent me, by letter, a record of a meeting which had apparently been drawn up by Quisling and Hagelin and also a description of Quisling's personality.

In this letter, which is here as a document but which was not read by the Prosecution, it says specifically that Rosenberg knew what the political conditions were but that, of course, he would have to leave the military side entirely to me since I was the competent authority on that.

DR. SIEMERS: If it please the High Tribunal, in this connection I would like to submit Exhibit Raeder-67, to be found in my Document Book 4, Page 309. That is the letter from Rosenberg to Raeder

dated 13 December 1939, which was not mentioned by the Prosecution. The Prosecution merely mentioned the appendix mentioned in the letter—that is, a note by Rosenberg, under Number C-65, the same as GB-85. According to its contents C-65 belongs to Exhibit Raeder-67.

THE PRESIDENT: You say there was another besides Raeder-67 which you were referring to?

DR. SIEMERS: Yes; I am referring to Raeder-67.

THE PRESIDENT: I got that. But you said some other document as well.

DR. SIEMERS: Yes, the document submitted by the Prosecution, C-65, and that is an appendix to this letter; the two belong together. The latter document, C-65, is to be found in the Document Book of the British Delegation 10a, Page 33. If these two documents are taken together, it can be seen that the political side is not mentioned in either document; and this explains what the witness meant when he said that he was not concerned with the political side of the question but only with the military side. It is for that reason that Rosenberg had sent it to him.

THE PRESIDENT: I think it would be a good time to break off.

[A recess was taken.]

MR. DODD: Mr. President, with respect to the case of the Defendant Seyss-Inquart, counsel and representatives of the Prosecution have been conferring with respect to his application for documents. We have agreed on a great number, but there are 20 upon which we are unable to agree.

THE PRESIDENT: 20?

MR. DODD: 20. I think we could do it in 30 minutes if the Tribunal will set some time aside; it might take a little more. Sir David has reminded me that the translators are waiting on us to go ahead with their translation work.

THE PRESIDENT: Mr. Dodd, I think the best thing would be to take it tomorrow morning at 10 o'clock.

MR. DODD: Very well, Mr. President. It has been suggested also that the case of Seyss-Inquart precede that of Defendant Von Papen. I understand that is the wish of the counsel, and it is very satisfactory to us as well.

THE PRESIDENT: Very well.

DR. SIEMERS: We have to refer briefly to Document 1809-PS, the Diary of Generaloberst Jodl. It is GB-88 in the Document Book of the British Delegation 10a, Page 289.

May I first ask when were the plans for the occupation of Norway drafted?

RAEDER: I may say that on the basis of the conference which Quisling had with the Führer in my presence on 14 December the Führer ordered the OKW to deal with the matter and study it. The Führer had two more conferences with Quisling on 16 and 18 December at which I was not present. The matter was then handled by the OKW according to the directives and an initial plan known as "North" was drafted. Document C-21, which I have mentioned before, shows that this Plan North was received by SKL on 13 January and then, in the course of January, the date 27 January was mentioned, the draft of a directive for the Plan North was made. That draft was made in the OKW in the usual way. Kapitän zur See Krancke as expert for the Navy took part in it. The directive was completed on 1 March 1940, and was issued to the three branches of the Armed Forces. In the meantime, a large number of reports had been received, and it was possible to use these as a basis for the drafting of the directive. These reports besides coming from Kapitän Schreiber now also came direct from Quisling, who sent them to the Führer. They mentioned the preparatory work carried out by the English and the French—special mention was made of the Navy Attaché Kermarrec—in Norwegian ports for finding out the possibilities of landing, measurements of quays, and the height of the bridges between Narvik and the Swedish border and similar things.

These reports which reached us showed clearly that within a reasonable time a landing was intended. Also political reports reached us which Hagelin received through his connections in Norwegian circles, reports which in part came directly from members of the Storting—and from members of the Government and their entourage.

All of these reports confirmed that the pretext of aid for Finland in the dispute between Finland and Russia played a certain role. The danger was discussed that England under pretext of aid for Finland would proceed to a bloodless occupation of Norway. The directive for the case Norway, therefore, was issued on 1 March. In the further course of the month of March more reports were received. In the meantime, the *Altmark* incident had occurred, and it was observed by Hagelin too that the behavior of the Norwegian commander was a pretense, and it was clear that in the case of any encroachment on the part of Great Britain, the Norwegian Government would protest only on paper.

DR. SIEMERS: You said just now the directive is dated 1 March. This is correct. The Prosecution submitted a quotation of 5 March from Document 1809-PS. That is an entry in Jodl's Diary: "1500 hours big conference with the three commanders-in-chief regarding Weserübung. Field Marshal, having no knowledge about plans, is furious." How is it possible, Admiral, that Reich Marshal Göring had not been consulted at a time when the directive was already issued?

RAEDER: I cannot explain that at all. I had no authority to speak about it and I cannot say why he was not consulted.

DR. SIEMERS: It is in the nature of conspiracy that the second man in the Reich would be informed about it from the beginning. Has he not ever spoken to you about that matter?

RAEDER: No, not that I remember, but that shows how little, especially in the Führer's entourage, one can speak of a conspiracy. The Foreign Minister, Von Ribbentrop, also was not present during any of the Quisling conferences or receptions and I had no authority to speak to him about these matters.

DR. SIEMERS: Then I should like to know your position regarding Jodl's entry of 13 March, in which he stated: "Führer does not give the order for 'W' (Weserübung). He is still trying to find a justification."

I ask you to explain these words to us as you understand them.

RAEDER: Yes. The English translation as far as I can remember says "Looking for an excuse." But he needed neither justification nor excuse, because in the first paragraph of the directive of 1 March —that is to say, 2 weeks before that—he had stated what circumstances made it necessary to occupy Norway and Denmark with certain forces of the Wehrmacht. British encroachments in Scandinavia and the Baltic were to be prevented thereby, our ore deposits in Sweden safeguarded, and the bases against England for the Navy and the Air Force were to be expanded.

DR. SIEMERS: Mr. President, may I point out that is the Document C-174; that is, GB-89, Document Book of the British Delegation 10a, Page 113. That is the directive for case "Weserübung" of 1 March 1940, which as the witness has mentioned, already contains the justification for it.

May it please the Tribunal, to prove that the information received by the witness through the intelligence service of Admiral Canaris, through Kapitän Schreiber and so on, is objective and in agreement with facts, may I be permitted to submit several documents—and that Exhibit Number Raeder-75 from the *White Book* dated 17 February 1940, which mentions the landing of British troops

in Bergen, Trondheim and Narvik, and several appendices to it, which show the trends of thoughts at that time in regard to the Swedish ore; Document Exhibit Raeder-77 . . .

THE PRESIDENT: This is 75, Pages 43 and 44?

DR. SIEMERS: I beg your pardon. Not page, but Exhibit Raeder-75. It is Page 340. Document Book 4.

Then Exhibit Number Raeder-77, also from the *White Book:* "The French Premier and Minister for Foreign Affairs Daladier to the French Ambassador in London, Corbin."

In Document Book 4, Page 352. I have seen that there is a mistake in the English document book. On Page 353 the heading is missing or rather on Page 354. I may point out that this document bears the date 21 February 1940. That is contained in the original document under the heading "Intervention in Scandinavia." It concerns the occupation of the most important Norwegian ports, *et cetera,* and mentions again the question of the Swedish ore.

Then I come to the Document Exhibit Raeder-78; Document Book 4, Page 357, an excerpt from the War Diary of the Naval Operations Staff of 4 March in which in connection with the case of the *Altmark* it is explained that a defense by Norway against British military action is not possible.

Then Exhibit Raeder-79, Document Book 4, Page 359, note by the Commander-in-Chief of the French Army, General Gamelin. Here also there is a mistake in the translation. The heading of the document was omitted on Page 360. I would be grateful if the Tribunal would note that the original document bears the date 10 March 1940. It is top secret and is based on the fact that the general plan for armed intervention in Finland existed since 16 January and therefore as a precautionary measure the ports and airfields on the Norwegian coast should be occupied. I refer to the remaining contents of document.

Then may I submit Exhibit Number Raeder-80, a report about negotiations of the Scandinavian Commission of the Inter-Allied Military Study Commission of 11 March 1940, top secret, concerning landing at Narvik.

[Turning to the defendant.] Then, Admiral, we are finished with Norway. I believe you said already that the reports increased considerably in the month of March. When did Hitler give the final order for the occupation?

RAEDER: At the end of March or beginning of April. I cannot recall the exact date.

DR. SIEMERS: I believe that is sufficient.

RAEDER: May I also mention a particularly important report which I remember now. Quisling reported in February that Lord Halifax had told the Norwegian Ambassador in London that an operation on the part of the British for the acquisition of bases in Norway was planned for the near future. That report also reached us at that time. I should like to add, as I emphasized before, that being fully conscious of my responsibility I always tried to show the Führer both sides of the picture and that the Führer would have to be guided by my documentary proof when deciding, to take or refrain from taking that tremendous step. But that does not mean to say that because I pointed out to my Supreme Commander of the Armed Forces that particular danger, I in any way decline to accept responsibility. Of course, I am in some measure responsible for the whole thing. Moreover, I have been accused because in a letter submitted here under C-155 I had told my officers' corps that I was proud of the way in which this extraordinarily dangerous enterprise had been executed. I should like to confirm this, because I believe I was entitled to be proud that the Navy had carried out that operation with such limited means and in the face of the entire British fleet; I still stick to that.

DR. SIEMERS: Did reports reach the SKL in March about violations of the neutrality of Norway? That is incidents in territorial waters?

RAEDER: Yes. In the second half of March repeated attacks were made by British planes and naval forces against our merchant ships bringing the Swedish ore down from Narvik.

DR. SIEMERS: Mr. President, in that connection may I submit some more documents? Exhibit Raeder-81, Document Book 5, Page 372, War Diary of the Naval Operations Staff which contains several entries showing that towards the end these incidents became more and more frequent and that the Norwegian neutrality was violated by British air and naval forces. As that document is known there is no need to read anything from it.

Then Exhibit Raeder-82 in Document Book 5, Page 377, also War Diary of 27 March, also concerning violations of neutrality. Furthermore, Exhibit Raeder-83, Page 379, a draft resolution of the sixth session of the Supreme Council, dated 28 March 1940, which was already mentioned yesterday. It deals with vital interests from the standpoint of international law and with the laying of mines in territorial waters on 5 April.

Then Exhibit Raeder-84, Page 384, and Exhibit Raeder-85, Page 386, both of which are documents from the *White Book*. May I only point out that it mentions that the first transport is to leave on J.1. day, that is actually on 5 April; in other words, 4 days before the occupation by Germany.

Exhibit Raeder-86 is an excerpt from the War Diary, of which I ask you to take official notice and which concerns the chartering by England of 90 percent of the Norwegian tankers.

To conclude Norway, may I ask you to look at two Documents, C-151 and C-115. Those are Exhibits GB-91 and GB-90, respectively, Document Book of the British Delegation 10a, on Pages 106 and 62. The dates are 30 March 1940 and 4 April 1940. The documents show that the ships which were to carry out the landing should carry the British flag for camouflage reasons. The Prosecution uses that document also to support its accusation.

[Turning to the defendant.] What do you say about it?

RAEDER: That is quite a regular ruse of war, that warships carry a foreign flag. A requisite for the legality of that act, however, is that at the moment of an enemy action, the moment fire is opened, their own flag must be hoisted in time. That has always been done in the German Navy, especially in the case of our auxiliary cruisers, which frequently sailed under a foreign flag in order to avoid being reported by merchant ships, but which always lowered that flag in time. That is a matter of honor. It must be added that in this case, as the War Diary shows . . .

DR. SIEMERS: 8 April.

RAEDER: . . . that on 8 April, on account of certain considerations, we rescinded that order, because we had the report that an English action was under way, and we feared that complications would arise from that. So this order was not carried out in the long run. I believe the document can be found which contains that.

DR. SIEMERS: Mr. President, I submit, in this connection, Exhibit Number Raeder-89 (Document Raeder-89), Document Book 5, Page 400, where we find under 8 April: "The previous order is rescinded, the British flag is not to be used."

RAEDER: You also asked about Document C-115, which says that the blockade runners camouflaged as merchant ships with dimmed lights should enter Oslo Fjord unobtrusively. This too is quite a regular ruse of war against which, from the legal point of view, no objection can be made. Likewise there is nothing to be said against English names given in answer to signals of identity.

I did not finish answering one question because I was interrupted. That was the question concerning the expression "justification" or "excuse" in the War Diary of Generaloberst Jodl. As I have shown, it was not a question of the justification, which had been expressed a long time before by Hitler, but I believe that I am right in saying that the question was that the diplomatic note which, at the moment of the execution of the enterprise, had to be presented to the Norwegian and Danish governments, giving the

reason for his action, had not yet been drafted, especially as he had not yet spoken to the Foreign Minister at that time at all. The Foreign Minister received the information, as he has said himself, only on 3 April.

DR. SIEMERS: With this I should like to conclude the question of the occupation of Norway. May I still submit the approved document, Exhibit Raeder-66, which was approved for the purpose of argument? It is an opinion expressed by Dr. Mosler, and it can be found in Document Book 4, Page 291; and in this connection, concerning the use of flags, may I draw special attention to Figure 7, Page 304, from which we may see the legal reasoning. Furthermore, may I submit Exhibit Raeder-90, Document Book 5, Page 402, and the series of documents as far as they are approved: Exhibit Raeder-91, Admiral Darlan to the French War Minister Daladier on 12 April 1940; Exhibit Raeder-92, Page 412. This document contains the English-French note to the Norwegian Government of 8 April 1940. I have submitted that document because this note expresses the same legal points of view as expressed in the legal opinion of Dr. Mosler.

Exhibit Number Raeder-97 and Exhibit Number Raeder-98: Number 97 concerns the *White Book* and the planning of 7 February 1940, concerning the Allied bases in Norway; and Number 98 is an excerpt from the War Diary concerning the orders which, at the time of the occupation of Norway, were found and from which it could be seen that an English landing was imminent and the so-called plan under the camouflage name "Stratford Plan," which was prepared by the British Admiralty.

[Turning to the defendant.] Concerning Norway, may I ask you the following: During and after the occupation did you intervene to see that the Norwegian population was treated decently, and what was your view of the political question in Norway with regard to the attitude of Germany to Norway?

RAEDER: From the very beginning I was for good treatment of the Norwegian population. I knew that Hitler had given Gauleiter Terboven, whom he had unfortunately appointed Reich Commissioner for Norway and to whom he had entrusted the civil administration, instructions that he, Terboven, should bring the Norwegian people to him; that is to say, make them favorably disposed, and that he had the intention, finally, to maintain Norway as a sovereign state in a North Germanic Empire.

Terboven was opposed to that. He treated the Norwegian population in a very unfriendly manner, and by his treatment he actually sabotaged the aims of Hitler. In close understanding with Admiral Böhm, who became the naval commander in Norway and

who had taken Kapitän Schreiber, the former attaché, on his staff as liaison officer to the Norwegian population, I tried to counteract these intentions of Terboven. On the basis of the reports of Admiral Böhm I repeatedly approached the Führer and told him that with Terboven he would never achieve his purpose. The Führer designated Quisling chief of the Government. I cannot remember exactly when he became Minister President, but Terboven also sabotaged Quisling in his activities by making it extremely difficult for him, and even discredited him among the population. Terboven's chief reason was, in my opinion, that he wanted to remain Gauleiter of Norway. All our endeavors were unsuccessful, in spite of the fact that Admiral Böhm tried very hard to achieve with the help of the Navy what Hitler had expected, that is, to win over the Norwegian people.

I did not understand how on the one side one wanted to gain the sympathy of the Norwegians and on the other hand one sabotaged Hitler's intentions.

That went on until 1942, at which time Böhm made a final report to me, in which he explained that things could not go on like that, and that Hitler's intentions would never be realized. I submitted that report to Hitler, but since it did not bring about any change—it was in the late autumn of 1942—this failure of mine became one of the reasons which finally led to my retirement.

DR. SIEMERS: Did you ask Hitler specifically to dismiss Terboven?

RAEDER: Several times. And I suggested that he should appoint General Admiral Böhm as commander of the armed forces for Norway and give him far-reaching powers so that he could carry out his—Hitler's—aims. I suggested that the Führer should as soon as possible conclude a peace with Norway because only in that way could he bring about co-operation between Norway and Germany and make the population turn to him. I told him the attempts of sabotage by the Norwegian emigrants would lose their meaning and cease and that possibly the Norwegian emigrants who were leaning toward England at that time could be induced to return, because they might be afraid that they might "miss the bus"; especially from the point of view of economic advantages. The task of defending Norway would be considerably easier if a state of peace could be brought about.

DR. SIEMERS: In conclusion, may I refer to Exhibit Raeder-107 which is already known to the Tribunal. It is the affidavit by Schreiber under Roman Numeral II. There Schreiber has mentioned in detail the utmost endeavors of the Navy to prevent the regrettable terror regime of Terboven and explained that Raeder, for the last

time in 1942, used all his efforts to get Hitler to conclude a peace between Norway and Germany. I believe that the Navy had a good reputation in Norway, that I can assume this is historically known without my having to prove it. To be on the safe side I applied for a witness, but consent was not given.

May I also submit Exhibit Raeder-108 (Document Raeder-108), Document Book 6, Page 473, a letter from Raeder to Admiral Böhm of 23 October 1942. Raeder writes:

"To my regret I have to send you enclosed, for your personal information, a letter from Reich Minister Dr. Lammers to Prime Minister Quisling."

On Page 476 there is the letter from Lammers to Quisling which says—I quote only one sentence:

"The Führer, therefore, desires that during the war there shall be no conferences or discussions concerning a final or a preliminary peace between the Greater German Reich and Norway, or concerning other measures fixing or anticipating Norway's position to the Reich after the end of the war."

This is the letter which the witness mentioned, which finally brought to nought all his endeavors and those of Admiral Böhm.

Admiral, you had little to do with France, and therefore we can be very brief. May I merely ask you, did you attempt at any time to influence the political relations between Germany and France?

RAEDER: This influence, when there was any, was in the first place directed as much as possible towards improving the defense of the country. In the second place, there were above all humanitarian reasons. I often visited naval and submarine bases in France. During these journeys I got some knowledge of conditions in France. I saw that in 1940 and still in 1941 the population lived just as if it were at peace, completely undisturbed. Consequently I believed, since the Führer had shown so much moderation on the occasion of the Armistice, that a basis could be found which would draw France—whose government was after all collaborationist—closer to us.

I was informed that Laval was really sincere in his opinion that only co-operation between France and Germany could guarantee a lasting peace in Europe for the future. Therefore I suggested to him whether he himself could not try to do something in that direction. He did not intend to do this, and I referred to it again when I heard that Admiral Darlan was trying to work more closely with our naval commander in France, Admiral Schultze. That was first achieved in the field of intelligence, where his services were very useful to us.

At the end of the year 1941 he mentioned that he would like to speak to me. Admiral Schultze reported that to me and I told Hitler

about it and recommended such a conversation because I thought it would do some good.

DR. SIEMERS: It would do what?

RAEDER: That it might bring some advantage. The Führer approved this meeting and instructed me as to his views. The meeting took place near Paris on the occasion of an official trip which I made to the French bases at the end of January or beginning of February 1942. I had the impression that the meeting was very satisfactory, inasmuch as Darlan was of the opinion that a peace would be of advantage to both nations and he also appeared to be inclined to co-operate. He stressed, however, that the whole political situation would have to be settled before peace could be concluded. I also showed that I was prepared to meet him concerning the negotiations with the Armistice Commission with respect to heavy guns for big French ships. I reported to the Führer on the results of the meeting. But in this case too the Führer was again hesitant and did not want to make a decision. He said he had to see first how the war went before he could decide upon his final attitude toward France. Besides, that would be a precedent which might have an effect on other nations. So that also was a failure. I did not obtain the relief in the defense of France which I had hoped for and so, in the case of France, this failure was the second reason which contributed later to my asking for my release, because I could not carry my plans through.

DR. SIEMERS: Now I come to the next subject where accusations are made against you, and that is Russia. When did you hear for the first time that Hitler intended to wage war against Russia, although he had concluded a Nonaggression Pact with Russia?

RAEDER: May I first remind you that in the summer of 1940, that is to say, July, August, and September, we in the Navy were very much occupied with preparations for a landing in England; therefore it never entered our heads that there could be any plans for action in another direction. In August I heard from some Army office, possibly that of the Commander-in-Chief, that considerable troop transports were going to the East. I asked Hitler what that meant and he told me it was a grandiose camouflage for his intentions to invade England. He knew that I would be against it right away if he were to speak about an enterprise against Russia. In September—I cannot recall the date exactly—he finally admitted to me that he had certain intentions against Russia. In September I reported to him at least twice, my more important report was 26 September, when I did everything I could to dissuade him from any undertaking against Russia. In that report which I made in the presence of Field Marshal Keitel and Colonel General Jodl I emphasized particularly the strategic military side; first, because I could do

that in all clarity in the presence of other people, and then because I assumed that such military reasons, that is, the possibility of failure of an operation against Russia at a time when the struggle was on against England, would impress him and dissuade him from that plan. On 26 September, after making this official report, I asked for a personal conference alone with Hitler. Keitel and Jodl can testify that I always did this when I wanted to discuss something particularly important with the Führer, where I had to go beyond the conventional procedure and which I could only do if nobody else was present. One could tell Hitler a lot of things if one was alone with him, but one could not make any such statements in a larger group. Field Marshal Keitel and Colonel General Jodl know that very well, particularly well, because they were the ones who in such cases always had to leave the room. On that occasion I gave Hitler my views in detail; first, that it was not possible to break the pact with Russia, that it would be morally wrong, that it would serve no purpose because the pact gave us great advantages and was a basis for a sound policy for Germany later on. Then I told him that under no circumstances could he start a two-front war, as it was he who had always emphasized that he would not repeat the stupidity of the government of 1914 and that, in my opinion, it could never be justified. Then I put to him again the difference of the forces on each side, the absolute necessity for the Navy to concentrate on the war against England and particularly at that moment when all resources were strained to the utmost to carry out the invasion.

On that day I had the impression that Hitler was inclined to listen to my argument because later, or the next day, the naval adjutant, Kapitän Von Puttkamer, reported to me that Hitler had spoken in very much the same vein as I had spoken, and had appreciated my argument.

That went on for several months. I presented many such reports, returning always with the same arguments. I believed again in November that I had been successful. To my utter surprise, however, on 18 December, Directive Number 21 (Barbarossa) came out, which dealt with the case of a war with the Soviet Union before the termination of the war against England. It is true, of course, that it was a directive for an eventuality. It is Document 446-PS, USA-31, of 18 December 1940.

DR. SIEMERS: Mr. President, that is in Document Book 10a, Page 247.

[Turning to the defendant.] Admiral, the Prosecution asserted that the Navy and you assisted in drawing up this directive. Is that correct?

RAEDER: That is in no way correct. Such directives were drafted in the OKW after the Führer had taken his political decision,

in the Armed Forces Operations Staff; and in that Armed Forces Operations Staff there was also one naval officer and one or more Air Force officers who, under the Chief of the Armed Forces Operations Staff, dealt with matters concerning the Navy and Air Force when such directives were being drafted. The directive then went to the Commanders-in-Chief of the Armed Forces and they were ordered, for their part, to work out and present suggestions for the execution of the orders of the Führer. They had no influence on the directive itself and did not see it at all beforehand.

May I add one more thing? I have been accused by the Prosecution that I used my influence with the Führer not for moral and ethical reasons but that I tried in a cynical way first to settle the account with England and then to assail Russia. I have said before that I told all my reasons to the Führer whenever I had the chance, but that I could not do that in a public meeting or in the presence of other people, nor could I write it down in my war diary, because the sharp words which fell there must not become known to other people by means of the war diary. I want to point to Document C-170, Exhibit USA-136, which dates from 23 August 1939 to 22 June 1941. It is a compilation of many excerpts from the War Diary of the Naval Operations Staff—and from my minutes of conferences with Hitler in which the Russian question was dealt with. This is not a literal reproduction of my statements or word for word excerpts from the War Diary, but it is a summary of excerpts by the naval archivist, Admiral Assmann. I will not read details from these many entries, but I should like to point out that precisely this document, C-170, shows in a large number of entries contained therein that, since the beginning of the war in 1939, I continuously used my influence with the Führer to maintain good relations with Russia for the reasons which I have previously mentioned. It would lead us too far if I were to start quoting several entries here. But the document, I would like to emphasize, is entirely convincing.

DR. SIEMERS: You had nothing to do with the Directive 21, which is signed by Hitler, Keitel, and Jodl?

RAEDER: Absolutely nothing.

DR. SIEMERS: But following that, you made some preparations in accordance with the directive? As they concerned the Navy they were in any case not so important here.

RAEDER: Yes. We had the first conference in January, as can be seen from one of these entries in C-170. I had reported to the Führer on 4 February about our intentions and in March the Navy began with certain preparations. I have said already that the Navy throughout the first period was hardly concerned with major operations, but only with the cutting off of the Gulf of Finland by

mines and light naval forces. I do not know whether that is in Directive 21 or somewhere else but the Führer, at my urgent request, had ordered that the center of gravity of the naval warfare should still be in the direction of England. Consequently, we could use only relatively small forces for the war against Russia.

THE PRESIDENT: Dr. Siemers, we had better break off now.

The Tribunal rather understood that you hoped to finish by midday today. We realize that you had 2 hours of today taken up with your documents, but when do you think you will be able to finish now?

DR. SIEMERS: I believe I will need only about three-quarters of an hour, between half an hour and an hour.

THE PRESIDENT: Tomorrow at 10 o'clock we shall deal with the documents of Seyss-Inquart, and we are told that will only last 30 minutes.

[The Tribunal adjourned until 18 May 1946 at 1000 hours.]

ONE HUNDRED AND THIRTY-THIRD DAY

Saturday, 18 May 1946

Morning Session

MR. DODD: Mr. President, with respect to the application for documents of the Defendant Seyss-Inquart, 87 documents altogether have been submitted to the Prosecution, and we have gone over them in the German. After numerous conferences with counsel for the Defendant Seyss-Inquart, we find we are unable to agree now on 17 of these documents. As of yesterday the number was 20, as I so stated, but we have now reduced it to 17.

Document Number 5 in the defendant's list is a copy of a resolution of the German National Assembly on the 21st of February 1919, advocating Anschluss between Austria and Germany. We have told counsel we object to it as being really irrelevant here and immaterial. It is a resolution of a German parliamentary body, and it doesn't seem to us to make any difference what they were thinking of Anschluss in 1919.

Document Number 10 is an extract from a newspaper article published in October 1945 and written by a man named Walford Selby. It is a critical article criticizing the Treaty of St. Germain for not avoiding the obliteration of the Austro-Hungarian economic entity, and it discusses what it describes as the mistakes of 1919, and so on. We understand that it is intended to explain, with other documents, the economic background of the Anschluss movement. Whatever may be said for that type of proof, there are at least five other documents on the same basis and we made no objection to them. But we did feel that somewhere this sort of thing, even if relevant, certainly became cumulative. Documents 7, 12, 26, and 33 are all on the same subject, the economic background of Anschluss, and this is a long one. Therefore, we feel that it certainly is not necessary, doesn't add very much, merely creates a lot of paper work, and is cumulative.

Document Number 11 is a speech delivered by a Dr. Schober, giving the area and population of the Republic of Austria. We haven't any very serious objection to this type of thing excepting that there probably are better sources if the defendant wishes to establish the area and population of Austria in 1921. Further, it

seems to us that the Tribunal could very well take judicial knowledge of the area and population of Austria as of that date from reliable publications.

Document Number 14 is a statement by the former Chancellor of Austria in 1922 to the effect that Austria belongs to Germany. Our objection is again based on the cumulative feature of this document, because there are at least three other documents with almost identical statements by Dr. Renner to which we have made no objection.

Document 19 is an extract from a book written by a man called Kleinschmied, and the extract purports to show that a number of politicians lived or prospered on the Anschluss movement in Austria. That doesn't seem to us to be very important here or likely to help the Tribunal very much.

THE PRESIDENT: Mr. Dodd, what exactly does "lived from the propaganda" mean? That they made their living by reason of propaganda, or what?

MR. DODD: Yes. It purports to show that they made it a vehicle for carrying on political activities, and made an issue of it and sustained themselves politically.

Number 21 is an extract from Kunschak's book *Austria 1918-1934,* and it gives the increase in the National Socialist votes in Austria between 1930 and 1932. That didn't seem to us to be very material or very helpful or likely to be helpful to the Tribunal. We objected to it on the grounds that it was irrelevant and immaterial.

Document Number 22 is an extract from an article in the *New Free Press* of August 1932, opposing the League of Nations loan. This again is submitted to prove the flow or the continuity of the Anschluss movement. There is at least one other document, Number 23, which purports to establish the same principle on the same kind of proof.

Number 27 is an extract from an article written by Martin Fuchs, "Un Pacte avec Hitler," and it discusses the Yugoslav policy with respect to Anschluss between Germany and Austria. Again that doesn't seem to the Prosecution to have any direct bearing or any helpful bearing upon the issues here, whatever the Yugoslavs thought about it.

Number 31 is an extract from the *Neue Zeitung* of the 11th of January of this year wherein Gordon Walker states that the celebration in Austria after the Anschluss was genuine. Well, that is Mr. Walker's opinion, and there is some other substantial opinion on the other side. We doubt very much that his opinion is material here or competent.

THE PRESIDENT: Who is he?

MR. DODD: I understand he is a member of the Labor Party in Great Britain, and a writer.

Number 39 is an extract from the *Archiv* of 1938. This sets forth a statement made by Senator Borah, of the United States, that the Anschluss was a natural and inevitable affair and had nothing to do with the United States. This was not a speech made by the late Senator Borah in the Senate; it was his own opinion, and it does not seem to us that it would be very helpful. Some later opinions of Senator Borah were not so helpful, and this doesn't seem to be very likely to be helpful to the Tribunal with respect to this issue.

Number 47 is an extract from Zernatto's book *The Truth about Austria*. Zernatto was one of the State Under Secretaries of Austria, as the Tribunal knows. He left the country after the Anschluss and went to the United States and wrote this book. He makes a number of statements, I might say, about the Defendant Seyss-Inquart. The Tribunal would be interested in knowing that this Document 47, and Documents 48, 50, 54, 55, 60, and 61 are all extracts from the same book. Now, we felt that wherever he reports a conversation with Seyss-Inquart, that would have bearing and relevancy before the Court; but where he expresses his opinion, we have more doubt about its relevancy. This one statement, Number 47, seems to be his opinion. He doesn't cite any conversation or anything other than what appears to be his impression that Seyss-Inquart disassociated himself from Leopold's efforts.

Now, we do not object to 48, and to 50, or to 54, because although we originally thought we would object, on reviewing them they appeared to set out actual conversations between Zernatto and Seyss-Inquart, and it might be helpful to the Tribunal. Therefore, we do not object to the next three.

But 55, again, is a statement in Zernatto's book that, in Zernatto's opinion, Seyss-Inquart was a figure on the chess board and was double-crossed by the Nazi or new Party leadership. We object to that for the reason that I have stated; it is the author's opinion. He is deceased, by the way, and is certainly not available. In any event, we do not think his opinion can be very helpful.

Number 60 is also a statement from Zernatto's book and it sets out a conversation with an unnamed Austrian Nazi. We felt that was altogether too vague and would not be of value or helpful. In Number 61, again, the author Zernatto expresses his opinion that Seyss-Inquart was afraid of shouldering responsibility. I don't want to stress our objections too heavily to these extracts. I don't think they are very harmful, certainly, but I rather object because we would like to cut down some of this printing, and I do not think they will be very helpful to Seyss-Inquart.

Number 68 is the first document on anti-Semitism, and it is an excerpt from the publication entitled *The Elements of National Socialism* by Bishop Alois Hudal. It explains anti-Semitism in Germany and Austria; and it goes on to discuss matters that the Tribunal has heard very much about through other defendants, the disproportionate position of the Jewish population in Germany, and so on. We object to it as not being helpful and not material.

Again 69 is another extract from Zernatto's book on the causes, as some of these people see it, of anti-Semitism. It is his opinion and does not to us seem to be helpful or material here. Number 71 is on the Slovak question. I doubt that there has been any serious claim made anywhere in this case that at various times the Slovaks have not claimed autonomy. This extract from the *Archiv* of 1938, insofar as we can discover, seeks to establish that they did want autonomy. Well, we don't think that is very important here, and it will not be helpful to the Tribunal or to Seyss-Inquart.

THE PRESIDENT: Is it a document of state?

MR. DODD: Well, it is a document from the *Archiv,* and in that sense it is a public document.

THE PRESIDENT: After Slovakia had been taken over by the Reich?

MR. DODD: No, not afterwards, it's in 1938, and it preceded the taking over.

THE PRESIDENT: Oh, yes.

MR. DODD: These are our objections, Mr. President. I do think we have tried to be rather . . .

THE PRESIDENT: Of course, Mr. Dodd, we are only considering now the question of objections to translation. We are not considering the question of admissibility, nor are we binding you not to object to them after they have been translated.

MR. DODD: Yes, I am aware of that, Mr. President. We tried to be, I think, fairly generous about this list. The excerpts, or most of them, are not too long. We did think we would have to call a halt somewhere, and I do not think our 17 objections out of the 87 listed are very strict or are pinching, really, the Defendant Seyss-Inquart.

DR. GUSTAV STEINBAUER (Counsel for Defendant Seyss-Inquart): Your Lordship, High Tribunal, I know that you value my small country, Austria, not only because of its ancient culture and its scenic beauty, but also because it was the first country which lost its freedom through Hitler. However, with all respect which you have for this country, I cannot expect of you that, as representative of great powers, you know the history of my country to

the last detail. I do believe that it is of the utmost importance for the defense of Seyss-Inquart that you understand fully on the basis of what background and what motives this man acted the way he did.

I myself can see three reasons which led to the Anschluss.

First of all, the desperate economic situation which runs like a red thread from 1918 right up to—I am sorry to say—and through the year 1946.

The second reason, and I shall be very brief with regard to the documents...

THE PRESIDENT: Dr. Steinbauer, will you come to the actual documents as soon as possible, because you will remember we are only discussing the question of whether they should be translated or not.

DR. STEINBAUER: Yes. The second reason was the disunity of the democratic parties. The third reason was the attitude of the surrounding powers. From these points of view I have assembled my documents.

The first document is a resolution of the Weimar National Assembly, and I am of the point of view that it is important in respect to a final judgment that the Anschluss was not only a wish of the Austrian population, but an all-German postulate. It is very short and I request that it be admitted.

The second document is by Selby, who for many years was the British Ambassador in Vienna, a genuine friend of our country. In this article he refers to the economic background and conditions in Austria, which led to the Anschluss. That was the reason for my including this document.

The next document is a speech delivered by Federal Chancellor Schober who was held in great esteem by the world. In this speech he refers to the fact that the burdens imposed on Austria are too great for her to carry. He described the situation as a whole as a case of bankruptcy.

The next document is a statement by the present Federal Minister, Dr. Karl Renner, in 1922. At that time Dr. Seipel went to Geneva and with great difficulty put through a loan at the League of Nations which was of great importance to us because at the same time it was demanded of Austria that we should forego independence for 10 years' duration. That meant that we were not to take any steps to change the conditions for an Anschluss. Renner opposed Seipel in Parliament at that time. This document is in no way cumulative to Document 33, since in Document 33 I want merely to describe the economic situation as it obtained in the year 1938.

The next document is Point 2 of my evidence, namely, the strong political propaganda for the Anschluss. In any event, I must dispute most strongly the assertion that Document Number 21, which is very short, is irrelevant. I consider it extremely important to prove that this new, very young party, which grew in the fertile soil of a desperate economic situation, increased tenfold, as far as the number of votes was concerned, in the years 1930 to 1932; thus all the time there existed a recognized political opposition to the government.

The next Document, Number 22, is an article which again illustrates the economic situation in Austria at a very essential period of history, namely, the moment when Federal Chancellor Dollfuss went to Lausanne in order to negotiate another loan from the League of Nations, and we again were forced to suppress thoughts of an Anschluss for another 10 years. This Document, Number 22, as well as the next one, Number 23, is not cumulative, since the one shows the political and the other the economic position of the members of Parliament with respect to the League of Nations' loan of the year 1932.

The next document is only an extract from the views taken by the various surrounding states to the Anschluss question. I selected only Yugoslavia, for Yugoslavia was the country which most strongly supported the idea of Anschluss in her foreign policy.

As far as Document 31 is concerned, I should like to remark, supplementing the remarks made by the Prosecution, that Gordon Walker is not only a member of the Labor Party, but—and this point is much more important—during the entire war years he was head of the British Radio Division Austria, and he was himself in Austria in the year 1938 and he witnessed the Anschluss. His judgment therefore is of extraordinary importance since it is the judgment of a prominent foreigner.

The same remark also applies to the following document, the statement by Senator Borah who for 25 years was the Chairman of the American Committee on Foreign Affairs. His opinion is surely deserving of notice.

The next documents concern statements made by Dr. Zernatto. I should like to add that Dr. Zernatto was Federal Minister, General Secretary of the Fatherland Front and Schuschnigg's right-hand man during the period of the Anschluss. He was one of the spiritual fathers of the Schuschnigg plebiscite. I am sorry to say that he died an emigrant in 1940, and I cannot produce him as a witness here; but his book is a document and actually tells what this man experienced in those critical days.

I urgently request that the remaining three documents, which are very brief, be left in the book.

The next two documents, which concern anti-Semitism, I included very unwillingly in order to avoid any accusation of anti-Semitic propaganda. I included them because in the trial brief my client is accused of being a member of an anti-Semitic organization. This accusation is unjustifiable insofar as more importance is attached to this organization than it actually deserves. If this matter is not further emphasized by the Prosecution, I shall not attach any particular importance to these two documents myself.

The last document which is being objected to, Number 71, contains the Agreement of Pittsburgh which was concluded between Masaryk and Hlinka, the Slovak leader, at which occasion Masaryk solemnly promised autonomy to the Slovaks, a promise which was not kept according to the letter of the agreement and which gave rise to a strong demand for autonomy in Slovakia, which was supported by Hitler. For these reasons I ask that this document also be approved.

THE PRESIDENT: Dr. Steinbauer, the Tribunal will consider the question of these documents.

Now, Dr. Siemers.

[The Defendant Raeder resumed the stand.]

DR. SIEMERS: May it please the Tribunal, yesterday in connection with Norway I submitted on one occasion Documents 81, 82, 83, 84, 85, and 86. I beg the Tribunal's pardon, but I forgot to submit one document pertinent to this matter, and I should like to remedy this omission.

The document, which has already been granted me, is Exhibit Number Raeder-88, which likewise is an extract from the *White Book* and is printed in my Document Book Number 5, on Pages 392 and following. This document shows the British order of 6 April 1940, regarding the plans for the occupation of northern Swedish ore fields, proceeding from Narvik.

Since the Tribunal is familiar with this document, it will not be necessary for me to read from it.

[Turning to the defendant.] Admiral, yesterday we had arrived at the topic of Russia. You had answered my question regarding Directive Number 21, Document 446-PS, of 18 December 1940, to the effect that the Navy had not worked on this directive. You further stated that the Navy undertook preparations in January in accordance with the command.

RAEDER: May I make a brief remark on this directive to the effect that yesterday I believe you made a mistake when you said that this directive was signed by Hitler, Keitel, and Jodl. This was the copy of the operational staff which Hitler had signed; but Keitel and Jodl only countersigned. Thus there is no question of

a signature of these two; when such directives were issued they were signed only by Hitler, and the others could merely countersign.

DR. SIEMERS: I beg your pardon, and I thank you for the correction.

In this connection, I should like to ask the Tribunal to consider Document C-35, USA-132. This document is found in the Document Book of the British Delegation, Number 10a, on Page 16. It is an extract from the War Diary with the date of 30 January 1941. It describes the preparations by the Navy, in accordance with Hitler's command of 18 December, where Hitler under Number IV of the directive commanded that precautionary measures be taken in case Russia should alter her previous attitude toward Germany, that is, only in case of this possibility.

[Turning to the defendant.] Admiral, in connection with your representation of the Russian situation, the Prosecution has submitted Document C-66, which corresponds to GB-81. This is your report of 10 January 1944 to Admiral Assmann for the historical archives of the Navy. The document will be found in the Document Book of the British Delegation, Number 10, Page 13. There you will find the basic position taken by Raeder with respect to "Fall Barbarossa." This is set forth under "a" of the document under Number 1 . . .

I have just heard that this document is also to be found in the Document Book 10a, on Page 35. There you wrote:

> "At this time the Führer had made known his 'unalterable decision' to conduct the eastern campaign in spite of all remonstrances. Accordingly, further warnings, as long as completely new situations had not arisen, were completely without purpose, as one knew from experience. As Chief of the Naval Operations Staff I was never convinced of the 'compelling necessity' for Barbarossa."

Do you have anything to add to these statements which you made at that time?

RAEDER: I should like to say in this connection that despite the fact that the directive had been issued on 18 December, I made a comprehensive report at the end of December, as can be seen from Document C-170, which I mentioned yesterday on several occasions, in order to convince the Führer of the wrongness of this decision. This shows that I have gone very far, for when the Führer had issued a directive, even if it applied only to a hypothetical case, it was generally impossible to approach him with basic considerations against this directive. Everything else I mentioned already yesterday.

DR. SIEMERS: Admiral, yesterday, in connection with your counterproposals made to Hitler with respect to Russia, you mentioned that in the autumn the plan was still to carry through the action "Seelöwe," that is, to land in England.

RAEDER: Yes.

DR. SIEMERS: When, according to your strategic opinion, or the opinion of the Navy, did this possibility cease to exist? When did you have to dispense with this plan?

RAEDER: In the course of the month of September we still believed that the landing could be carried through. As a necessary condition the Commander-in-Chief of the Army and I, too, always insisted—and he realized this fully—that for a landing air superiority would have to be on our side; and therefore we were waiting to see whether we could actually produce this air superiority in time for the landing, which due to weather conditions could not be carried out later than the beginning of October. If it were not possible by then, it would have to be postponed until May of the following year. It developed that air superiority could not be produced to the necessary extent; consequently it was said that the landing was to be postponed until the spring of the following year. Further preparations were to be taken and they actually were taken. But in the course of the winter the idea of a landing was completely abandoned, and Hitler decreed that preparations in the harbors along the Channel should be carried on only to such an extent as would give the British the impression that this landing actually was to take place. In September I had the impression that Hitler no longer had any great interest in this landing and that in his own mind he was completely committed to the Russian campaign in conjunction with which he, of course, could not carry out the landing in England.

DR. SIEMERS: Now, I turn to the accusation raised against you by the Prosecution that you demanded that war be waged against America. The Prosecution has submitted in this connection Document C-152, or GB-122, which is to be found in the Document Book of the British Delegation, Number 10, Page 23. This is an extract from the War Diary of the Naval Operations Staff dealing with a report of the Commander-in-Chief of the Navy—that is, you—to the Führer on 18 March 1941. Under Figure 11 of this document, it is stated, and I quote:

> "Japan must proceed to take Singapore as soon as possible, since the opportunity will never again be so favorable (preoccupation of the entire British fleet elsewhere; the unreadiness of the United States to carry on a war against Japan; the inferiority of the United States fleet to the Japanese

fleet). Japan is, indeed, preparing for this action but will carry it out, according to statements of Japanese officers, only at the moment when Germany proceeds with the landing in England. All efforts on Germany's part must therefore aim to incite Japan to immediate action. If Japan captures Singapore, then all other Eastern Asiatic problems relating to the United States and England will be solved (Guam, Philippines, Borneo, and Dutch East Indies).

"Japan wants to avoid a war against the United States of America, if at all possible, and can do so if she takes Singapore promptly."

The Prosecution has construed this statement of yours to mean that you wanted to lead Japan into a war against America. Is that correct?

RAEDER: It is one of the most incorrect assertions contained in the Indictment against me. It is entirely clear that, since I was involved in a naval war with England with my small German Navy, I did not want, under any circumstances, to have America on my neck as well; and it has been discussed here repeatedly that my most urgent effort during the entire first few years of the war was to avoid, under all circumstances, being involved with the United States. Admiral Wagner described here in detail the limitations which I had imposed on the German Navy in order to prevent any clashes with the United States. I imposed limitations which actually I could hardly justify when I carried on U-boat warfare with such relatively small means. On the other hand, the United States from the end of 1940 on, at the latest, and during the entire year of 1941, exerted pressure on us in our naval warfare wherever possible and committed actions which could be interpreted as definitely not neutral. I remind you merely of the repairing of British warships in the United States, something which up until that time was completely impossible and unheard of; and Roosevelt's orders to shoot given in July and in September 1941; attacks by the American destroyers *Greer* and *Kearney* in the Atlantic on our U-boats. In two cases U-boats were pursued with depth charges for 2 hours until finally they surfaced and fired, in one case damaging one destroyer. Despite all this, in June 1941 I reported to Hitler that we were continuing not to disturb the merchantmen of the United States in any way—with the result that United States merchantmen were crossing the Atlantic completely unmolested on sea lanes of their own choosing, were in a position to give reports about our U-boats and our sea warfare without our preventing them from doing so; because of this the British were in a position to camouflage their ships as American ships. That they did. The first time our pocket battleship *Admiral Scheer,* while crossing the Atlantic, searched a

ship flying the American flag it turned out to be the British ship *Canadian Cruiser.* Despite all this I recommended to the Führer, and he fully approved my suggestion, that we should take no measures against American ships. That we did not go to Halifax to lay mines Admiral Wagner has already mentioned. I need not mention that any further.

DR. SIEMERS: Was this proposal that Japan capture Singapore only for the purpose of having assistance and an ally against England, with whom we were already at war?

RAEDER: That is actually the case, and I should like to picture very briefly the development which led to this proposal. This was not anything that I did on my own initiative, but rather at the beginning of the year 1941 political negotiations were carried on with Japan partly by the Führer and partly by the Foreign Minister. I was not even called into these negotiations, and I must say regrettably so, for at these negotiations many things were discussed which were not correct. However on the other hand this shows again that there can be no talk about a conspiracy. Contact was made, and then the visit of the Foreign Minister Matsuoka took place, I believe, in March.

On the basis of this entire development the Führer, on 5 March 1941, issued Directive Number 24. That is Document C-75, USA-151, of 5 March.

DR. SIEMERS: I should like to call the attention of the High Tribunal to Document C-75, which is the same as USA-151, to be found in the Document Book of the British Delegation, Number 10a, Page 58. In this Directive, Number 24, it says under Figure 3a:

> "As the joint object in the war it is important to defeat England quickly and in that way keep the United States out of the war."

And three paragraphs farther down, under "d," it says:

> "The capture of Singapore . . ."

THE PRESIDENT: That on Page 58 is Instruction Number 54, concerning collaboration with Japan.

DR. SIEMERS: I have just been advised—to my surprise—that only a part of this directive is to be found in the English translation. I ask that the Tribunal grant me permission, under these circumstances, to submit the complete directive later as a Raeder document.

THE PRESIDENT: Have you got it in your Raeder book, Dr. Siemers?

DR. SIEMERS: No, not up until now; for I did not know that only a part had been translated. I am asking for permission to submit this whole document later as a Raeder document.

THE PRESIDENT: Very well.

DR. SIEMERS: Thank you. This may be found under Figure 3a, and the next quotation will be found under Figure 3d, and it says:

> "The capture of Singapore, which is the key position of England in the Far East, would be a decisive achievement in the war effort of the three powers. Beyond that, attacks on other bases of British and American sea power, if the entry of the United States into the war cannot be prevented, will serve to shatter the might of the enemy in that zone...."

I ask the Tribunal to note the fact that already on 5 March, which is the date of this directive, Hitler decreed the capture of Singapore. Consequently, the suggestion made by Admiral Raeder in Document C-152, dated 18 March, cannot be considered decisive, since a Hitler decree was already in existence.

RAEDER: May I make a brief remark about that? The same thing seems to apply to all the cases which are being mentioned here: First of all, the political decision by Hitler, the head of the State; then the directive of the Supreme Commander of the Armed Forces to the Armed Forces; then the conclusions drawn by the commanders-in-chief of the separate branches of the Wehrmacht. So, after I received the directive of 5 March, I had to contemplate how Japan, after entering the war, could strategically be used with the best results. And that depended on how we could most effectively wound our main opponent, England, on the sea. In this connection I had to insist most urgently that Japan move against Singapore since there were also circles who were of the opinion that Japan should attack Vladivostok, which would have been a grave mistake.

England's power center in East Asia had to be attacked. But the very fact that I believed that the capture of Singapore would cause the United States of America to shy away from the war occasioned this proposal of mine, and not the opposite.

DR. SIEMERS: In this same connection, I refer to Document 1877-PS which was submitted in the special Indictment against you. It is USA-152 and may be found in the Document Book of the British Delegation, Number 10, Page 320. It is a conversation between the Japanese Foreign Minister, Matsuoka—I am just told now that 320 is incorrect. It should be 319.

THE PRESIDENT: And it should be 10a, I think.

DR. SIEMERS: 10a, I beg your pardon.

It is a conversation between Matsuoka and Von Ribbentrop on 29 March 1941. We have already discussed this matter. On Page 8 of this document, the following is said:

"The Reich Foreign Minister again referred to the problem of Singapore. Because of the fear expressed by Japan that there might be U-boat attacks from the Philippines and that the British Mediterranean Fleet and Home Fleet would join the attack he had discussed the situation once more with Admiral Raeder. The latter told him that the British fleet would be so completely occupied in the home waters and in the Mediterranean this year that she would not be able to dispatch even a single ship to the Far East.

"The American U-boats were described by Admiral Raeder as being so inferior that Japan would not have to concern herself about them at all."

[Turning to the defendant.] Herr Von Ribbentrop, in reply to my question on 1 April 1946, declared that he had been mistaken, that the statement was probably made by Hitler. Will you please clarify this statement once and for all?

RAEDER: I can only confirm that I never discussed such questions with Herr Von Ribbentrop, for unfortunately there was no connection between the Foreign Office and the High Command of the Navy especially since the Führer had forbidden that any information be given by the Foreign Office to the military authorities. I would never have made such statements since they were in direct opposition to my own opinion, and especially since in this case I had no basis for any such statements.

DR. SIEMERS: Admiral, were not, on the other hand, questions frequently dealt with in the Naval Operations Staff as to the industrial and military strength of the United States, and that for these reasons any entrance of the United States was to be feared?

RAEDER: This was fully clear to us, even to the last detail.

DR. SIEMERS: Did you at any time during the war see this Document 1877-PS, which is before you?

RAEDER: No, no.

DR. SIEMERS: Were you advised about these discussions between Herr Von Ribbentrop and the Foreign Minister Matsuoka or the discussion with Oshima?

RAEDER: No; I was merely told by the Führer, and that is shown in the Document C-170, dealing with the results of this discussion with Matsuoka. But I had no discussions with Herr Von Ribbentrop.

DR. SIEMERS: May it please the High Tribunal, I have just been asked to correct a word which I have just used; in order to be fair, I should like to do so. I said that Hitler, in his directive of 5 March 1941, "decreed" that Singapore be taken. The expression is not correct. He naturally could not give any orders to Japan. The mistake arises because the directive starts with the words: "The Führer has commanded the following for our co-operation." And under Figure 3 it says: "The following directives apply in this case." And among these directives the taking of Singapore is mentioned.

Admiral, in any conversation did you suggest to anyone at any time that Japan attack Pearl Harbor?

RAEDER: No, we never talked about that at all.

DR. SIEMERS: Did you hear anything about this plan before Japan attacked Pearl Harbor?

RAEDER: Never. It was a complete surprise for me and the Naval Operations Staff that this attack took place; and it is a complete mistake in judging the mentality of the Japanese to assume that they would have spoken of such a plan to anyone, even inside Japan, who was not directly connected with it. In 1904 they likewise attacked Russian ships "out of the blue" without anyone suspecting anything at all.

DR. SIEMERS: May it please the Tribunal, in this connection I should like to submit three documents which have been granted me, first Exhibit Number Raeder-19, to be found in Document Book 2, Page 108. This document deals with the report by the American General Marshall which has been placed at my disposal through the help of the Court.

In this report, dated 1 September 1945, General Marshall stated the following; and I refer to Page 116:

> "In order to establish for the historical record where and how Germany and Japan failed I asked General Eisenhower to have his Intelligence officers promptly interrogate the ranking members of the German High Command who are now our prisoners of war. The results of these interviews are of remarkable interest. They give a picture of dissension among the enemy nations and lack of long-range planning that may well have been decisive factors of this world struggle at its most critical moments."
>
> And two paragraphs further:
>
> "No evidence has yet been found that the German High Command had any over-all strategic plan. Although the High Command approved Hitler's policies in principle, his impetuous strategy outran German military capabilities and ultimately led to Germany's defeat. The history of the German

High Command from 1938 on is one of constant conflict of personalities in which military judgment was increasingly subordinated to Hitler's personal dictates. The first clash occurred in 1938 and resulted in the removal of Blomberg, Von Fritsch, and Beck and of the last effective conservative influence on German foreign policy.

"The campaigns in Poland, Norway, France, and the Low Countries developed serious diversions between Hitler and the General Staff as to the details of execution of strategic plans. In each case the General Staff favored the orthodox offensive, Hitler an unorthodox attack with objectives deep in enemy territory. In each case Hitler's views prevailed and the astounding success of each succeeding campaign raised Hitler's military prestige to the point where his opinions were no longer challenged. His military self-confidence became unassailable after the victory in France, and he began to disparage substantially the ideas of his generals, even in the presence of junior officers. Thus no General Staff objection was expressed when Hitler made the fatal decision to invade Soviet Russia."

And on Page 118, there is an extract dealing with Germany and Japan. I quote:

"Nor is there evidence of close strategic co-ordination between Germany and Japan. The German General Staff recognized that Japan was bound by the neutrality pact with Russia but hoped that the Japanese would tie down strong British and American land, sea, and air forces in the Far East.

"In the absence of any evidence so far to the contrary, it is believed that Japan also acted unilaterally and not in accordance with a unified strategic plan."

And further, in the documents which were also granted me, Exhibit Raeder-113 and 114, in the Document Book 6, Page 491 and Page 497 . . .

THE PRESIDENT: Dr. Siemers, I think you should ask the witness whether he agrees with General Marshall's appreciation.

DR. SIEMERS: Admiral, do you agree with the opinions of the American General Marshall?

RAEDER: I have not completely absorbed these statements. In general they are the lines of thought which we also had pursued, but I cannot vouch for each single point. In order to speak with certainty I would have to look at them or they would have to be read to me again.

DR. SIEMERS: I believe the general confirmation is sufficient.

In Document Raeder-113 I should like to refer to the heading:

"Army Foresaw Japan's Move, Marshall Says:

"Washington, December 11 (AP)—General George C. Marshall, formerly Army Chief of Staff, acknowledged last night that the Army knew more than 10 days before December 7, 1941, that a Japanese move toward Pearl Harbor might take them past the deadline where the American chiefs believed the U.S. should fight."

In order to save time I shall not read the particulars; but it can be gathered from the report by Marshall that the American Army knew about it and later the date of November 25 and 26 is mentioned. In addition Marshall testifies that preparations had been worked out in the United States before the war for the construction of landing strips for American bombers in Rabaul, Port Moresby, and Singapore.

In Exhibit Number Raeder-114, which I am also submitting, Henry L. Stimson, the former United States Secretary of War, made a statement under date of 21 March.

"Henry L. Stimson, former U.S. Secretary of War, disclosed that the late President Roosevelt's War Cabinet had discussed and rejected—9 days before Japan's attack on Pearl Harbor—an American attack on the Japanese forces without further warning . . .

"Stimson related that he had received on November 28, 1941 information of Japanese movements along the Asiatic coast. On the same day, he said, the Cabinet met and discussed the possible meaning of the Japanese move."

He further said that:

". . . if the Japanese got into the Isthmus of Kra, the British would fight, and that if the British fought we would have to fight."

According to this, Admiral, did the United States know about these Japanese plans before you did?

RAEDER: Apparently, yes.

DR. SIEMERS: Then I shall turn to the last accusation by the Prosecution, and that concerns Brazil. In this connection, the Prosecution has submitted Document 1807-PS, GB-227, to be found in the Document Book of the British Delegation 10a, Page 288. This is Jodl's diary, the entry of 16 June 1942. I have to beg your pardon, I am told it is Page 287, not 288. This entry reads:

"The Naval Operations Staff applied on 29 May for permission to attack the Brazilian sea and air forces. It considers that a sudden blow against the Brazilian naval and merchant ships is expedient at this moment when defensive measures are still incomplete and there is the possibility of surprise,

since Brazil is to all intents and purposes waging naval warfare against Germany."

[Turning to the defendant.] The Prosecution is accusing you of violating neutrality and violating international law because you made that proposal at a time when Brazil was neutral. I call your attention to the fact that the war with Brazil broke out 2 months later on 22 August 1942. Please tell me briefly from memory just how you came to make this proposal.

RAEDER: The relations between Brazil and Germany at this time could not have been worse. The Germans were very much persecuted and treated very badly. Germany's economic interests were heavily impaired. The Brazilians were already completely on the side of the United States. They had allowed United States air bases to be established along the Brazilian coast, and also intelligence stations. They themselves confirmed that they had destroyed a German U-boat; and, on the other side, the German U-boats had also attacked Brazilian ships, for the Brazilian ships were not illuminated according to regulations and consequently could not be recognized as Brazilian ships. Germany had previously asked all of the South American countries to illuminate their ships in such a way that their nationality could be distinguished at night. Then there were air attacks on U-boats of the Axis Powers, and they could have been carried out only from Brazilian bases. At this request of the Naval Operations Staff to the Führer, the Führer decreed that once again we should ask the Italians what intelligence reports they had received; and Italy in turn confirmed that some weeks before Italian U-boats, which had been operating together with ours, had been attacked near the Brazilian coast. Likewise the Brazilian Air Ministry had made known the fact that Brazilian aircraft or United States aircraft coming from Brazilian air bases had attacked Axis U-boats.

On the basis of that confirmation the Führer permitted the use of weapons against Brazilian ships along the Brazilian coast. A plan was worked out, according to which a certain wave of U-boats, which left the French coast in June to proceed into the Atlantic, was to go to the Brazilian coast. The Führer had ordered in particular that this was not to be mere pin-pricks but rather a serious enterprise. This operation was later stopped and not carried through. I am sorry that I am not able to say for what reason. But it can be seen from our document which gives the statements made in the War Diary.

DR. SIEMERS: May it please the Tribunal, I believe that the entire accusation of the Prosecution regarding this planning would not have been raised if Document 1807-PS, Jodl's diary entry of

16 June, had been submitted *in toto*. Only the first part was submitted. Therefore, I submit this entry as Exhibit Number Raeder-115, to be found in Document Book 6, Page 500. From the further statements made by General Jodl in his diary we may conclude that the situation was correctly investigated.

The first part, which was submitted by the Prosecution, that is, the first two sentences, I have already read. The rest of the entry is as follows:

> "Ambassador Ritter of the Foreign Office declares that an aggravation of the conflict with Brazil is undesirable in view of the attitude of Argentina and Chile and that, previous to measures of war against Brazil, consultations must be held with Italy and Japan. Acting on the report of the Chief of the Armed Forces Operations Staff, the Führer has ordered on 30 May, that the Naval Operations Staff is to ascertain, by inquiring in Rome, whether the Brazilian reports about war-like actions against Axis U-boats are correct. The inquiry by the Naval Operations Staff shows that Italian U-boats were attacked on 22 and 26 May at the northeast corner of Brazil by airplanes which beyond a doubt had started from a Brazilian air base. The Naval Operations Staff transmit, moreover, the text of the official communiqué of the Brazilian Air Ministry about the fighting and propose to put into action near the main Brazilian harbors during the period from 3-8 August 10 U-boats to sail from 22 June to 4 July from ports in western France, along with the tanker *U-460*. The order for execution must be given to the U-boats by 15 June at the latest. After the Commander-in-Chief of the Navy had reported this to the Führer at the Berghof on the afternoon of 15 June, the Führer declared himself in agreement with the intentions of the Naval Operations Staff but ordered, however, that before any final decision is made, the political situation be examined once again by the Foreign Office."

I believe that this proves that we were careful enough; and I refer further to Exhibit Number Raeder-116 which I should like to submit herewith, in the same document book, Page 503, which is an extract from the War Diary. Under date 6 June there is an entry which states that the development has gone so far that:

> "... a latent state of war is practically already in existence, (Brazil entirely on the side of USA; most severe damage to all German interests; individual Brazilian steamers not properly illuminated sunk by U-boats; increasing agitation in Brazil; Brazilians claim they have already sunk German U-boat while patrolling the coast)."

And a further extract from the War Diary, Exhibit Raeder-117, which I should like to submit herewith, to be found in the same document book, Page 509. I ask the High Tribunal to take notice of this document and its contents and I refer only to Figures 3 and 4 in detail. Under Figure 3 it reads:

"When Brazilian ships began to provide themselves with camouflage paint and to arm, the order was given on 15 May 1942 to use arms at once against recognizable armed South Americans."

And under Figure 4 it says:

"On the basis of the fact that Axis submarines were attacked by vessels along the Brazilian coast and that the Brazilian Air Ministry officially made known that attacks had been made by the Brazilian Air Force, the Naval Operations Staff on 29 May 1942, in Document 12938/42, Top Secret, asked the Armed Forces Operations Staff for permission to use arms against Brazilian military forces and merchant ships."

I submit also Exhibit Number Raeder-118, Document Book 6, Page 510. I ask the High Tribunal to take notice of this document. I do not wish to quote it, since it repeats the facts we have already heard. I believe that Figure 4 of Document 117 which I have just read clarifies the matter completely and refutes every accusation against the Navy.

[Turning to the defendant.] Admiral, do you have anything to add to these extracts from the War Diary?

RAEDER: No, I have nothing to add. It is entirely clear.

DR. SIEMERS: Admiral, may I ask you now to describe to the High Tribunal—and with this I am coming to the conclusion of my examination—how it came about that you resigned in January 1943?

Your Honors, shall we have a recess first?

THE PRESIDENT: It depends on whether you hope to finish in a few minutes. If you hope to finish in a few minutes we will sit on so that you may finish your examination.

DR. SIEMERS: I believe it will take perhaps 10 minutes.

THE PRESIDENT: Very well, go on.

DR. SIEMERS: *[Turning to the defendant.]* Please describe how it came about that you resigned in January of 1943; but first I should like to ask you one more question: Did you, even before this, have the idea of resigning?

RAEDER: I should like to say briefly that on several occasions before the war I asked the Führer to relieve me of my post, or I presented him with an ultimatum. I should like briefly to cite two cases as examples. In November 1938 in the presenee of General

Keitel I made a report to the Führer about the type of ships and our plans as to how the ships should be developed further. On this occasion the Führer, in a manner defying explanation, began to attack everything that we had built and were building, including the plans for the *Bismarck*, and to declare them wrong. Later I found out that things like that happened whenever some persons of his entourage, who knew very little about such things, gave him their opinion, that he always followed it up, probably wanting—as I told myself later—to check whether the things he had been told were actually correct.

This case, however, was so extreme that I could not do anything else but simply pick up my plans, put them in my brief case, and leave the room. General Keitel was present. The Führer followed me to the door, asked me to come in again, softened his accusations, and asked me not to resign now under any circumstances.

The second case was a purely personal one, but it is rather typical. His naval adjutant, who had just been appointed, wanted to marry a young girl who had a very unsavory reputation at the University of Kiel. I told him I would never consent to the marriage. The Führer had the girl introduced to him and decided he had nothing against the marriage; I left the Berghof and sent the Führer a letter via a staff officer in which I told him that I would refuse my consent, that the officer would not remain in the Navy should he marry, or else I would not remain. I asked the officer who acted as my courier to bring back the answer since I wanted to reach a decision at once. The Führer had the officer wait 2 days at the Berghof and then sent him back to me with a letter saying:

> "Very well, the officer cannot marry and remain in the Navy and he will not be used further as a naval adjutant; someone else will be put in his place. He will become some sort of leader in my National Socialist Motor Corps and will then serve as one of my Party adjutants."

It was also typical of the Führer that, to a certain degree, he wanted to see his will carried through; but this man was out of the Navy, and I could make my conviction felt in this case. Under these circumstances I declared myself ready to continue in office. That was at the beginning of 1939; in the course of the spring, however, I asked again whether I could not be relieved of my position now, since I had served for many years in the Navy and I did not believe I would be able to maintain the dignity of the office much longer. I suggested to him that perhaps in October 1939 I should leave my post. The Führer refused at the time, and on 1 October we were at war, and in time of war I did not believe that I could leave the Navy under any circumstances unless it was very urgent, especially since I considered myself totally responsible for

all preparations and for the training of the Navy. In the course of the war our co-operating which up until then, aside from such incidents, had been quite congenial, since the Führer had always made an effort to show me respect, our connection gradually became very strained during the war. The Führer became more nervous when I made reports, flared up in rage when there were divergences of opinion or if there had been any incidents, as, for instance, a technical defect or poor performance by a ship. It happened again and again that his entourage influenced him before I could actually explain matters to him, and I was called in subsequently to set him straight on these matters. In that way unpleasant scenes ensued which wore me out.

One point about which the Führer was especially sensitive was the large ships. He was always uneasy when our large ships were out on the high seas and were carrying on raids against shipping. The loss of a ship, such as the *Graf Spee* or later the *Bismarck*, he considered a tremendous loss of prestige; and matters like that, therefore, excited him tremendously. That went on until the end of 1942. Then there came—and this particularly impressed me—my defeat in the consultation with the Führer on questions dealing with Norway, France, and above all, Russia. In the final analysis he always listened more to the Party people as, for example, Terboven, than to an old officer. That led to a situation which could not be tolerated for any length of time. One of the basic characteristics of the Führer was a tremendous suspicion toward anyone and everyone, but especially directed against old officers who had come from the old Wehrmacht and of whom he always assumed—despite all well-intentioned treatment—that in their hearts they did not share these feelings which he had to demand of them. Especially the case of Russia had led me to so many conflicts with him that our relations were strongly influenced thereby. Indeed, the man who compiled all these war diaries and minutes, Admiral Assmann, summed it up on one occasion at the conclusion of such a discussion with the words: "The Commander-in-Chief of the Navy, therefore, is in complete opposition to the Führer in this matter."

At the end of 1942, just after I had had to put an end to the entire Norwegian question, an incident occurred which led to the end. There was to have been an attack on a convoy which was going to Murmansk or Archangel from England. It was in December at a time when in those northern regions there are just 1 or 2 hours of light and hence no favorable weather for fighting by large ships when up against large numbers of destroyers. The ships, together with the destroyers, had started on their journey and had reached the convoy while it was still light. But since daylight soon disappeared and darkness fell and since the convoy was guarded by

many destroyers, the admiral considered it expedient to withdraw the big ships from the battle. That was the only correct decision for he might have lost them all by torpedo attack. This fact, and secondly the fact that unfortunately the radio connection between this admiral and the Naval Operations Staff was made difficult and at times completely broken off by static, caused the Führer to become extremely excited in his headquarters where I reported to him everything I found out myself. The whole day was spent with questions back and forth, and even in the evening I could not give him a clear picture. This excited him extremely. Through Admiral Krancke he had all sorts of insults transmitted to me and demanded that I report to him immediately; and I could see that very strong friction would result. I arranged it so that I did not need to report to him until 6 days later on 6 January so that the atmosphere could first cool off a little. On 6 January I could go to him with a complete report; and in the evening, at a discussion at which Field Marshal Keitel was also present, he made a speech of about an hour's duration in which he made derogatory remarks about everything that the Navy had done so far, in direct contrast to every judgment passed on the Navy up until this time. From this I saw that he was anxious to bring about a break.

I personally was firmly prepared to seize this opportunity to resign, especially as it became ever clearer that the war was becoming a pure U-boat war, and I could therefore feel that I could leave at this moment with a clear conscience.

After the Führer had concluded his speech I asked to be permitted to speak with him alone. Field Marshal Keitel and the stenographers left and I told him that I was asking for my resignation as I could see from his words that he was entirely dissatisfied with me and therefore this was the proper moment for me to leave. As always, he tried at first to dissuade me but I remained adamant and told him that a new Commander-in-Chief of the Navy who would have complete responsibility would definitely have to be appointed. He said that it would be a great burden for him if I were to leave now since for one thing the situation was very critical—Stalingrad was impending—and secondly, since he had already been accused of dismissing so many generals. In the eyes of the outside world it would incriminate him if I were to leave at this point. I told him that I would do everything I could to prevent that happening. If he wanted to give the appearance as far as the outside world was concerned that I had not resigned because of a clash, then he could make me a general inspector with some sort of nominal title, which would create the impression that I was still with the Navy and that my name was still connected with the Navy. This appealed to him at once and I told

him on 6 January that I wanted to be dismissed on 30 January. At this point I had concluded 10 years of service as Commander-in-Chief of the Navy under him. He agreed to this proposal and asked me to suggest two successors so that he could make a choice.

On 30 January he then personally dismissed me by appointing me Admiral Inspector of the Navy. He said that he would still on occasion ask me for advice; but that never happened. I was merely sent out twice, once to Bulgaria when the King of Bulgaria was buried and once to Hungary, to the Hungarian Regent Horthy to bring him a gift from the Führer.

DR. SIEMERS: Admiral, you otherwise performed no tasks as Admiral Inspector?

RAEDER: I had no functions and received no orders.

DR. SIEMERS: Then my last question: Did you have the impression, on the occasion of your conversation of 6 January 1943 with Hitler, that he in a way was glad to get rid of you in view of the many differences of opinion and the fact that you contradicted him frequently on technical naval and political matters concerning Norway, France, Russia?

RAEDER: I do believe that he wanted to get rid of me at this time, for I was in a certain way an inconvenience for him. This one case which I described, where I had my way in the end, he had never forgotten.

DR. SIEMERS: Thank you very much.

This concludes my examination of Admiral Raeder.

THE PRESIDENT: The Tribunal will sit today until half past one. It will adjourn now for 10 minutes.

[A recess was taken.]

THE PRESIDENT: Do any of the defendants' counsel want to ask questions?

FLOTTENRICHTER OTTO KRANZBÜHLER (Counsel for Defendant Dönitz): Admiral, you recall the memorandum of the Naval Operations Staff of 15 October concerning possibilities for an intensification of the economic war. That is in the Document Book of the British Delegation, Number 10, on Pages 96 and 97 of the English text. Admiral Wagner has already testified about it here. Can you add anything to that statement concerning the purpose and the meaning of that memorandum?

RAEDER: Since the war against England came as a complete surprise to us, we had up until then dealt very little with detailed questions of submarine warfare. Among other things we had not yet discussed the question of so-called unrestricted submarine warfare which had played such a very important part in the previous war. And from that fact it developed that on 3 September that officer who was recently mentioned here was sent to the Foreign Office with some points for discussion on the question of unrestricted submarine warfare, so that we could clarify with the Foreign Office the question as to just how far we could go. And that is the document which recently played a role here, D-851, GB-451, of 3 November.

FLOTTENRICHTER KRANZBÜHLER: 3 September, you mean.

RAEDER: Yes, 3 September. This touches upon all these questions. Then discussions with the Foreign Office took place and this U-boat memorandum mentioned by you was worked out in the High Command of the Navy on the basis of these discussions and released on 15 October. I believe that on 15 October I presented it to the Führer who in principle agreed to the contents. But the very fact that a memorandum about submarine warfare concerning possibilities for an intensification of submarine warfare was issued only on 15 October shows how little we were prepared for that eventuality.

That memorandum contains near the beginning that sentence which has been quoted by the Prosecution concerning our position with respect to international law, where reference is made to highest ethics of warfare, adherence to international law, and the desire to base all military measures on existing laws wherever possible. But if this is not possible or when by deviation it is possible to achieve decisive military results, and we could take the responsibility for this deviation, then in case of necessity we must depart from existing international law. That means that also a new international law may have to be developed.

However, this entire memorandum represents merely a constant search for possibilities for conducting submarine warfare with the least damage to neutrals and the greatest possible adherence to international law and in such a way that it would become a decisive factor in the outcome of the war.

Various cases are discussed as to how an intensification can be reached, but it always was a question of finding countermeasures against enemy measures. Such possibilities as blockade or the new concept to lay siege to England by submarine warfare are examined in all directions; but the draft always states the conclusion that in view of the number of submarines and other misgivings it is not yet possible to conduct such operations.

And the final result of that entire memorandum, as set down in that document, can be found in the two last pages. Unfortunately I have only the German copy in front of me where under the last Paragraph D the final opinion, the following sentences which I should like to quote, are worthy of notice . . .

THE PRESIDENT: Where is the extract?

FLOTTENRICHTER KRANZBÜHLER: On Pages 99 and 100 in the Document Book 10, GB-224.

Mr. President, another excerpt from the same document has already been mentioned and that is in the Document Book Dönitz 3, on Pages 199 to 203; but I do not believe that it is necessary to refer to it because the witness will only read one or two sentences.

RAEDER: *[Continuing.]* Now, the last paragraph "Conclusions" reads:

"1.) The manner in which economic warfare has been conducted until now, in accordance with Prize Regulations, does not meet with military demands for ruthless severity.

"A large part of enemy mercantile trade including all exports in neutral ships is *not* covered.

"The requirements of naval law that neutral merchantmen be stopped and searched can no longer be fulfilled, in view of the strength of aerial reconnaissance and U-boat countermeasures in the enemy's coastal approaches. Economic warfare according to Prize Regulations has therefore to be limited and in the North Sea and the Baltic must be left to surface craft only. In the Atlantic the U-boats in enemy coastal waters will limit their activities to attacks without warning on convoys, troop transports, and once it has been approved, armed and all enemy merchantmen, and will conduct economic warfare according to the law governing prizes only in exceptional cases. The use of the Operational Air Force for economic warfare is not possible. Economic warfare is conducted within the framework of international law. A possibility of controversy with neutral states is ruled out."

Then one more sentence:

"If the Supreme War Command for political reasons should not be able at present to decide to wage the economic war in the most vigorous form possible by having recourse to a siege, it will be possible to increase the effectiveness of the policy of stopping enemy trade by a ruthless increase in the use of mines and by air attacks on enemy port installations. One cannot, however, expect a decisive result from the economic war in its present form." (Document C-157, Exhibit GB-224)

FLOTTENRICHTER KRANZBÜHLER: The immediate result of that memorandum and of your report to the Führer was the order of 17 October?

RAEDER: Yes, and that provided: Firstly, that all enemy merchantmen could be torpedoed; and secondly, as a severer measure, that passenger ships in convoys could be torpedoed a short time after an announcement to that effect had been made. That was all done in connection with the intensification, measure for measure, which we had brought about in answer to individual acts of the enemy.

THE PRESIDENT: Dr. Kranzbühler, that long passage that the defendant has just read, if it has not been put in evidence yet, must be offered in evidence by you. I understand it is not in evidence at present.

SIR DAVID MAXWELL-FYFE: My Lord, I can help. I shall be using this document and I shall put it in.

THE PRESIDENT: Has it been offered in evidence?

SIR DAVID MAXWELL-FYFE: Only part of it, not the part that the defendant has referred to. But, in view of that I shall refer to it later on.

THE PRESIDENT: Very well.

FLOTTENRICHTER KRANZBÜHLER: Admiral, you mentioned that before 1935 certain preparations were made for the construction of a German submarine weapon. Did Admiral Dönitz participate in any way in these preparations?

RAEDER: In no way whatsoever. As was said before, he was abroad during the last year; but even before that he had nothing to do with it.

FLOTTENRICHTER KRANZBÜHLER: You have reported about your dismissal as Commander-in-Chief of the Navy. Would you please tell me how it came about that Admiral Dönitz became your successor?

RAEDER: The Führer had ordered that I propose two admirals as successors. I suggested in writing first, as the elder . . .

THE PRESIDENT: Dr. Kranzbühler, how does this arise? I mean, what relevancy has it to anything we have to decide as to how Admiral Dönitz became head of the Navy?

FLOTTENRICHTER KRANZBÜHLER: That has significance, Mr. President, in view of the Prosecution's assertion that Admiral Dönitz became the successor of Admiral Raeder on the basis of political relations or services rendered.

THE PRESIDENT: All right.

FLOTTENRICHTER KRANZBÜHLER: Please continue, Admiral.

RAEDER: I'll be very brief. I suggested, first, Admiral Carls, who was the senior and has vast knowledge of the entire conduct of naval policy. In the event that the Führer should want to manifest that he now was placing U-boat warfare in the foreground I suggested Admiral Dönitz, who was the greatest authority in that field. Political considerations of any kind were not mentioned at all; it was purely an official, technical appointment.

FLOTTENRICHTER KRANZBÜHLER: I have no more questions.

DR. OTTO NELTE (Counsel for Defendant Keitel): Mr. President, the Tribunal, through its letter of 26 March, has consented that an affidavit be submitted by the Codefendant Raeder for the Defendant Keitel, provided the Prosecution has an opportunity to question Admiral Raeder on his statements in cross-examination.

I have sent the affidavit to the Prosecution, and the Prosecution has raised no objection. I ask to be permitted to submit this affidavit which is concerned with the functions and position of the Defendant Keitel as Chief of the OKW, as Exhibit Number Keitel-19, after Admiral Raeder has confirmed that he signed this affidavit and that he agrees to its being submitted.

[Turning to the defendant.] Admiral, you are acquainted with the questions which I put to you and which, after a conference with your counsel, you answered and signed on 19 March?

RAEDER: That is about the position of Field Marshal Keitel in the OKW?

DR. NELTE: Yes.

RAEDER: I am quite familiar with that.

DR. NELTE: Then, may I submit this affidavit? The Prosecution has a copy of it.

I have a few more questions for Admiral Raeder, the answers to which can be greatly simplified with the permission of the Court. These are the same questions which on 9 May, a week ago, I put to Admiral Dönitz and which refer to the assertion made by the witness Dr. Gisevius about Keitel's tremendous influence and the circle of silence which Keitel is said to have drawn around Hitler. I merely want to ask the witness Admiral Raeder, with the permission of the Tribunal, whether he can confirm as correct for the period before 1943 as well—that is, for the period during which Raeder was Commander-in-Chief of the Navy—the answers to my questions given by Admiral Dönitz in Raeder's presence. I ask for the decision of the Tribunal whether I may put this general question in order to save time.

THE PRESIDENT: Yes, certainly.

DR. NELTE: You heard what I said, and I ask you, can you confirm the answers given by Admiral Dönitz to my questions on 9 May for the period before 1943 as well?

RAEDER: Yes, that I can do.

DR. NELTE: Now, I have one final question. During your testimony Document L-79, the "Little Schmundt" file, was treated. You objected to this document as inaccurate and not of probative value?

RAEDER: Yes.

DR. NELTE: Dr. Siemers then quoted a part of that document which the Prosecution, at the time when it submitted the document, had not read. In that part of the document there is mention of a research staff in the OKW.

RAEDER: Yes.

DR. NELTE: I ask you now to tell me whether such a research staff in the OKW was ever actually created.

RAEDER: Not to my knowledge. The work was done by the Armed Forces Operations Staff in which there were officers representing all three branches of the Armed Forces.

DR. NELTE: So there was no change in the scope of tasks and in the division of jurisdiction?

RAEDER: No, definitely not.

DR. NELTE: That also concerns the question of working out strategic and operational matters between the OKW and the Armed Forces Operations Staff on one hand and the general staffs of the Armed Forces branches, including the Naval Operations Staff, on the other?

RAEDER: As far as the Naval Operations Staff is concerned, yes, there was no change.

DR. NELTE: And as far as the other branches of the Armed Forces are concerned do you know of no change or . . .?

RAEDER: That I cannot say. I do not know about that.

DR. NELTE: Field Marshal Von Brauchitsch and Halder have testified about that.

Thank you. I have no further questions.

THE PRESIDENT: Dr. Nelte, is the affidavit that you referred to contained in your document book?

DR. NELTE: No, not yet. It will be Number Keitel-19.

THE PRESIDENT: Yes. Will you have translations supplied to the Tribunal?

DR. NELTE: Yes.

DR. HANS LATERNSER (Counsel for General Staff and High Command of the German Armed Forces): Admiral, you are the senior member of the group of the General Staff of the OKW, and you belonged to this so-called group for the longest time?

RAEDER: Yes.

DR. LATERNSER: In what manner did you become a member of this so-called group?

RAEDER: I was appointed Chief of the Naval Command Staff by Reich President Field Marshal Von Hindenburg. I did not join that group by doing so; rather I became Chief of the Navy. One was not aware of any group.

DR. LATERNSER: Joining and remaining in this group the Prosecution maintains was voluntary. Was there any possibility at all for military leaders to apply for any vacant posts?

RAEDER: No, there was nothing of the sort.

DR. LATERNSER: In other words, military accomplishments were the decisive factor?

RAEDER: It was a military order. There was no question of its being voluntary.

DR. LATERNSER: Did you know the various members of the group at the time when you belonged to it?

RAEDER: No, I certainly did not know all individuals from the other branches. Of course, I knew a large number.

DR. LATERNSER: Within the purely military leadership was there ever a conference about a plan which had as its purpose the launching of aggressive wars?

RAEDER: No, there was never such a conference. Frequently it has been mentioned here how the various enterprises came about—the political decision of the Führer, a directive issued by him, and then the working out of the final order.

DR. LATERNSER: Admiral, I do not mean now by this question the meetings which took place under Hitler's leadership. I mean meetings of purely military officers.

RAEDER: Do you mean within the various branches of the Armed Forces?

DR. LATERNSER: Yes, within the various branches.

RAEDER: Of course, within the Naval Operations Staff there were meetings about various questions, but not about aggressive wars.

DR. LATERNSER: Yes, my questions referred only to that. The Prosecution asserts, furthermore, that this indicted group was first established by the National Socialist Regime. Is that correct?

RAEDER: In no way whatsoever. There was no group at all, but the organization was such as has frequently been described.

DR. LATERNSER: And such as has always existed in all armies of the world?

RAEDER: Yes, as has always existed.

DR. LATERNSER: The Prosecution has furthermore asserted that, after the seizure of power by Hitler, the high military leaders had the choice, either of co-operating or of accepting the consequence that the new regime would establish new armed forces, that is armed forces of their own, and that on the basis of this situation the generals decided to co-operate. Is that assertion by the Prosecution correct?

RAEDER: No. It is not true that thereupon any joining of forces took place. I know that such tendencies existed. For instance, once in 1934 I reported to the Führer that I had been informed that SA Gruppenführer Killinger, who had formerly been in the Navy and had advanced to prominence (in the SA), had the intention of becoming the Chief of Naval Operations Staff. But I was not aware of any further efforts. But above all, there was no coalition of the generals for defensive action against such an intention.

DR. LATERNSER: So the assertion made by the Prosecution is not correct?

RAEDER: No, not correct. That was not in the least a method which would have been in accordance with the sentiments of the soldier—that such a coalition be formed to avert something.

DR. LATERNSER: The Prosecution furthermore asserts that the group, above all, the generals, let themselves be won over by the regime because of the chance of conquest. Is that assertion correct?

RAEDER: That is an absolutely incorrect and farfetched assertion.

DR. LATERNSER: Was the effort of the Party to acquire for itself supreme authority ever supported or promoted by the military?

RAEDER: I do not know that that ever happened. Do you mean the seizure of power?

DR. LATERNSER: After the seizure of power was the Party supported by military leaders, as far as you know, in its efforts to attain sole domination in Germany?

RAEDER: No.

DR. LATERNSER: Yesterday, in reply to the question of your counsel, you described how you came to swear your oath to Hitler.

If such an intention had existed in the mind of one of the commanders-in-chief, would it have been possible for him to refuse the oath?

RAEDER: That I cannot say, but I believe that not one of us saw any necessity for refusing that oath.

DR. LATERNSER: The Prosecution has further asserted that the high military chiefs agreed completely with the principles and aims of National Socialism. Is that correct?

RAEDER: I explained here yesterday how far one could agree with the principles of National Socialism and to what extent one trained one's soldiers according to these principles. Anything that went beyond that was rejected and found no acceptance in the Navy. Here I can speak only for the Navy.

DR. LATERNSER: Did the officers who were subordinate to you and who were in the group ever have an insight into the political situation and Hitler's intention so that one could speak about participation or membership in the plan?

RAEDER: No. There was an absolute prohibition on speaking to anyone about speeches in which Hitler mentioned intentions and possible developments. The officers below the rank of Armed Forces commander were informed only when things had gone so far that the directive was to be issued.

DR. LATERNSER: The Prosecution further asserts . . .

RAEDER: I have to qualify that. That directive was first worked out by the High Command of the Army and the Navy. Thus they received information as soon as the directive of the individual branches of the Armed Forces was issued and that always happened sometime later.

DR. LATERNSER: The Prosecution also asserts that the high military leaders were not military experts but that they knew Hitler's intentions of aggression and willingly co-operated. Can you name any military leaders who, before they had received orders, took a positive attitude toward any aggressive action?

RAEDER: I cannot answer that. I explained yesterday how Admiral Carls pointed out to me the danger imminent in Norway; but he did not do anything more than give me the information, point out the danger, and elucidate the situation there.

DR. LATERNSER: The attitude of the former Commander-in-Chief of the Armed Forces, Von Fritsch, and of the Chief of the General Staff Beck to the question of a war is known. I just wanted to ask you, did the Commander-in-Chief of the Army, Field Marshal Von Brauchitsch, have the same attitude concerning the war?

RAEDER: I believe so, yes.

DR. LATERNSER: Concerning the conference on 5 November 1937, you have already made detailed statements yesterday. I would like . . .

THE PRESIDENT: Dr. Laternser, you have been putting this class of question to every naval and military witness who has been called, and what the Tribunal desires me to point out to you is that there has been no cross-examination by any member of the Prosecution challenging any of these points, so this evidence is entirely repetitive and cumulative and is not bound to be put by you to every military and naval witness who comes into the witness box, and it is simply a waste of time to the Tribunal. When questions are answered by a witness and are not cross-examined to by the other side, it is the practice to assume that the answers are accepted.

DR. LATERNSER: Mr. President, for me this is an extremely important question which has just been touched upon, namely, the question of whether a question is inadmissible because in the opinion of the Court it is cumulative. I should like to make a few statements concerning whether or not a question is cumulative.

THE PRESIDENT: Surely, Dr. Laternser, you can understand what the Tribunal has said to you, that it is now desired, in view of the directives of the Charter, that this Trial should be as expeditious as it can reasonably be; and it does not desire to have the same evidence adduced to it over and over again. Is that not clear?

DR. LATERNSER: Mr. President, if I can assume that the Tribunal accepts as true these proofs which I want to bring by means of my question, then I can of course forego these questions. But I cannot determine whether that is the case unless I know that I have succeeded in bringing definite proof . . .

THE PRESIDENT: What I wanted to point out to you was that you asked the same question of a great number of witnesses and that those questions have not been cross-examined, and in such circumstances you can assume that answers given by the witnesses are accepted.

DR. LATERNSER: If I am justified in drawing this conclusion, then of course I shall dispense with such questions in the future. I have only a few more questions, Mr. President.

[Turning to the defendant.] In support of the Indictment of the group of the General Staff and the OKW two affidavits have been presented by the Prosecution, one by Field Marshal Von Blomberg and one by Generaloberst Blaskowitz. In these two affidavits both generals state that as a whole, within the circle of generals before the war, the opinion existed that the question of the Corridor would have to be decided unconditionally and, if necessary, with

force. Is that opinion stated by the two generals correct? Was that the general attitude at that time?

RAEDER: I never heard of such an opinion. In my presence General Von Blomberg never made any statement of that kind. The Polish question was discussed by us in the Navy only to the extent already mentioned here during the last few days, namely that an attack on Poland by Germany would have to be prevented under all circumstances. The political treatment of this question . . .

THE PRESIDENT: The defendant says he has never heard of this suggestion.

DR. LATERNSER: That was the reason why I put the question to the witness.

RAEDER: After 1933 political questions were handled and decided by Hitler exclusively, and he said that he made all policies.

DR. LATERNSER: It is therefore correct that this opinion which Blomberg and Blaskowitz have mentioned does not apply for the circle of generals?

RAEDER: Well, at any rate, I have never heard it expressed by the generals. It did not exist in the Navy.

DR. LATERNSER: You were present at the conferences of 23 November 1939?

RAEDER: Yes.

DR. LATERNSER: I should like to put one supplementary question concerning those conferences. Admiral, do you remember that in the course of these conferences Hitler reproached the generals because they still had old-fashioned ideas of chivalry and that these ideas had to be rejected?

RAEDER: That I cannot say with certainty. I believe that I can recall having once heard it said that Hitler was of that opinion.

DR. LATERNSER: Now, I have one last question concerning the document which your defense counsel already put to you in the course of your examination. It is Document C-66 submitted by the British Prosecution under GB-81. It is in Document Book 10, on Page 13, or 10a, Page 35. On Page 5, in the last paragraph of that page, you said the following and I quote:

> "It can be seen from my statements and plans that the Führer reckoned with a definite conclusion of the eastern campaign in the fall of 1941, whereas the High Command of the Army (General Staff) was very skeptical."

Admiral, I wanted to ask you of what this skepticism consisted?

RAEDER: As far as I know, the High Command of the Army was of the opinion that it was impossible to conclude such a

tremendous campaign in so short a time; and many others shared that opinion, whereas the Führer believed that because of the new weapons and his strategy he could conclude that campaign very quickly.

DR. LATERNSER: Do you know anything about whether the High Command of the Army had any fundamental objections before the beginning of the Russian campaign?

RAEDER: As far as I know, the Commander-in-Chief of the Army was very much against it; but that too, I cannot say definitely.

DR. LATERNSER: Thank you. I have no more questions.

PROFESSOR DR. HERBERT KRAUS (Representing Dr. Von Lüdinghausen, Counsel for Defendant Von Neurath): Admiral, in the course of the proceedings it has been testified, I believe by the Codefendant Göring, that Field Marshal Von Hindenburg had expressly desired that Herr Von Neurath become Foreign Minister. Do you know anything about that?

RAEDER: I learned at the time that Hindenburg had expressed that wish, and it caught my attention because Field Marshal Von Hindenburg until that time had always considered merely the appointment of the Minister of Defense and the Chiefs of Staff of the Army and Navy as his privilege in the Reich Government. This was the first time that he expressed such a wish in the case of a Foreign Minister.

DR. KRAUS: So it was not the practice of the Field Marshal to make any suggestions regarding the appointments of Ministers?

RAEDER: No. He had merely acted according to his own wish to appoint the Defense Minister, even in the previous Social Democratic, Democratic, and other cabinets.

DR. KRAUS: What may have been the reason for Field Marshal Von Hindenburg's making that exception in the case of Neurath?

RAEDER: He probably wanted to make sure under all circumstances that the peaceful policies which had prevailed in Germany up to that time would be continued. He was sure that Herr Von Neurath would continue these policies in the same direction.

DR. KRAUS: So he had particular confidence in Herr Von Neurath's attitude up to that time?

RAEDER: Yes, beyond a doubt.

DR. KRAUS: You knew Von Neurath very well, and you were informed about his political principles, weren't you? What were the main lines of his policies?

RAEDER: Herr Von Neurath wanted to see the gradual recovery of the German people to normal conditions and he wanted to strive with peaceful means for equal rights for the German Reich. Above all, he wanted to have good relations with England, which was also in conformity with Hindenburg's intentions, and on this very point both of us agreed completely.

DR. KRAUS: So one can say that you considered Von Neurath an exponent of a policy of understanding with England and a peaceful policy of compromise.

RAEDER: Yes.

DR. KRAUS: Then I have a second question for you, Admiral. A Fritz Wiedemann, who was Hitler's adjutant from 1935 to 1939, has submitted an affidavit. The Prosecution has submitted that affidavit under 3037-PS. In this affidavit Herr Wiedemann states that on 28 May 1938 a conference took place in the winter garden of the Reich Chancellery with all important people of the Foreign Office, the Army, and the Operational Staffs present, a meeting so large that one almost doubts whether all these people could get into the winter garden.

And here, he says, in addition to Göring, General Beck, General Keitel, and Von Brauchitsch, there were also present Von Neurath, Von Ribbentrop, and yourself.

In this meeting Hitler spoke among other things about Czechoslovakia and stated that it was his unshakeable intention that Czechoslovakia must disappear from the map. Do you know anything about that meeting?

RAEDER: Although I can otherwise recall every large or more important meeting, I do not have the slightest recollection of this meeting at that time. The list of those present also seems very unlikely. I have never seen Herr Von Neurath and Herr Von Ribbentrop together at the same meeting. I should also doubt whether Herr Von Neurath at that time was in Berlin at all. He was quite definitely not present at that meeting. But I also do not remember any meeting at which Von Ribbentrop was present as Foreign Minister when military matters were discussed. I think this Herr Wiedemann is mistaken because I believe also that I have never seen him at a meeting in which such matters are supposed to have been discussed. The Führer always sent this personal adjutant of his out of the room beforehand. I believe there is some mistake.

DR. KRAUS: Such an important statement by the Führer you would doubtless have remembered.

RAEDER: Yes. During that summer the Führer's opinions fluctuated greatly. I believe that at the end of May a mobilization took

place in Czechoslovakia, or something of the sort—I do not remember exactly what. But I attended no meeting, as far as I know, at which such a statement was made.

DR. KRAUS: Thank you. I have no more questions.

THE PRESIDENT: Does any other defendants' counsel wish to ask any questions?

[There was no response.]

Sir David, it seems scarcely worthwhile starting the cross-examination.

SIR DAVID MAXWELL-FYFE: If Your Lordship please, I entirely agree.

[The Tribunal adjourned until 20 May 1946, at 1000 hours.]

ONE HUNDRED AND THIRTY-FOURTH DAY

Monday, 20 May 1946

Morning Session

[The Defendant Raeder resumed the stand.]

SIR DAVID MAXWELL-FYFE: Dr. Horn wishes to ask some questions.

DR. MARTIN HORN (Counsel for Defendant Von Ribbentrop): With the permission of the Tribunal I should like to put a few more questions to the witness.

Admiral, is it true that on 24 April 1941 the so-called neutrality patrol of North American warships was extended past the 300-mile limit to a distance of at least 1,000 miles?

RAEDER: I cannot remember the date, but such an extension did take place at some time.

DR. HORN: Is it true that at the beginning of June 1941 a law was passed in the United States confiscating foreign ships immobilized in North American harbors as a result of the war and including 26 Italian and 2 German ships?

RAEDER: Here again I cannot tell you the date for certain. It happened in the summer of 1941. The ships were mostly Italian, with a few German ships. I cannot swear to the exact figures.

DR. HORN: In June 1941 the United States publicly declared its willingness to give the Soviet Union every possible aid. Did you discuss this with Hitler, and what was his attitude towards it?

RAEDER: Yes, that is correct. There were some questions of a loan without interest, or some such thing. Very probably I did speak to Hitler about it, but I cannot tell you what his attitude was. I can say only that all these measures at that time in no way deterred us from the course we had pursued until then. In June I had the conversation with Hitler at which I explained to him that up to that time we had allowed American warships to go completely unmolested, and that we would continue to do so in spite of the considerable disadvantages entailed which I mentioned recently.

DR. HORN: In 1941 the American Secretary of War Mr. Stimson and the Secretary of the Navy Mr. Knox, as well as Secretary of State Mr. Hull, repeatedly advocated in public the use of the United States fleet to safeguard English transports of war material to Great Britain. On 12 July 1941, Secretary of the Navy Knox informed the representatives of the press of Roosevelt's order to shoot at German ships. How did Hitler and you react to these actions, which were contrary to neutrality?

RAEDER: Your facts are correct. They will go down in the annals of history. Hitler did subsequently issue an express order that we were in no circumstances to open fire of our own accord, but only in self-defense. This situation actually did arise later in the case of the two destroyers *Greer* and *Kearny*.

DR. HORN: Thank you. I have no further questions.

MARSHAL: Your Honor, the report is made that Defendant Göring is absent this morning.

SIR DAVID MAXWELL-FYFE: Defendant, you had read at the time of its publication the book by Captain Schüssler, *The Fight of the Navy against Versailles,* had you not?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Would you look at it on Page 26 of Document Book 10, Page 123 of the German document book? Captain Schüssler had told you that he was going to write such a work, had he not?

RAEDER: Yes. And I might add that this book was written because we in the Navy had been accused by National Socialist circles of not having done enough to strengthen the Navy in the period previous to 1933. That is why all these things were mentioned in that book.

SIR DAVID MAXWELL-FYFE: And the book was circulated among senior officers in the Navy, was it not?

RAEDER: Yes; at any rate, any of the senior officers who wanted it could have it.

SIR DAVID MAXWELL-FYFE: Now, would you just turn to Page 127, or to Page 27 of the English book, which gives the preface? You will see at the end of the first paragraph it says that it is to give a reliable picture of the fight of the Navy against the unbearable regulations of the Peace Treaty of Versailles.

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: And in the third paragraph:

"This memorandum is also meant to distinguish more clearly the services of those men who, without being known to wide

circles, were ready to accept extraordinary responsibility in the service of the fight against the peace treaty."

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Will you agree, Defendant, that that preface represents generally but accurately the feeling of the Navy with regard to invading the provisions of the Treaty of Versailles?

RAEDER: Yes, as regarding circumventing the Versailles Treaty as far as necessary to improve our defenseless position, for reasons which I explained recently here. To do this was a matter of honor for every man.

SIR DAVID MAXWELL-FYFE: Now, just turn over—it is Page 28, My Lord, and it is Page 126 of your copy.

[Turning to the defendant.] It gives a summary of contents. You see, it is in four sections. The first section deals with the first defensive actions against the execution of the Treaty of Versailles, and then enumerates what they were. Don't trouble about that. The second is independent armament measures behind the back of the Reich Government and legislative bodies.

RAEDER: In both cases it says: From the end of the war until taking over the Ruhr in 1923; from 1923 until the Lohmann case in 1927. I had nothing to do with either case.

SIR DAVID MAXWELL-FYFE: Just let us see. From 1922 to 1924 you were inspector of naval training at Kiel, were you not?

RAEDER: Inspector of the training system; the schools, the further training of officer candidates, the complete training of assistants of the Chief of Staff, that is, chief-of-staff assistants, a sort of general staff officer, and similar matters. I had nothing to do with affairs of the front.

THE PRESIDENT: That is what you were asked. You were asked whether you were inspector of training. The answer was "yes," was it not?

SIR DAVID MAXWELL-FYFE: As inspector of training, are you telling the Tribunal that you did not have a very complete knowledge of the weapons available for your service?

RAEDER: No, no. It was not a question of weapons visible for all to see. As I explained to you recently, that was a matter of setting up gun platforms and transferring guns from the North Sea to the Baltic. This was done by a special command, which worked under the direct order of the Chief of Navy; among others, there was this Kapitänleutnant Raenkel, for instance, who was the specialist dealing with all gunnery questions at the time. I myself

was in Kiel, and there were no guns or anything of the kind in Kiel and its neighborhood.

SIR DAVID MAXWELL-FYFE: Take the next period from 1923 to 1927. From 1925 to 1928 you were Chef der Marine Station der Ostsee, were you not?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Are you telling the Tribunal that you did not know about the independent armament measures taken behind the back of the Reich Government?

RAEDER: No; I had nothing at all to do with these affairs. I have already said that was done by the Chief of the Naval Command Staff. I knew in a general way . . .

SIR DAVID MAXWELL-FYFE: I am not asking you whether you ever had to do with them, I am asking you whether you are saying that you did not know about them. You knew all about them, did you not?

RAEDER: I knew it in a general way, that such measures were being taken.

SIR DAVID MAXWELL-FYFE: Now, take the next, Number III: "Planned armament works tolerated by the Reichskabinet, but behind the back of the legislative bodies." The legislative bodies would be the Reichstag and the Reichsrat, would they not?

RAEDER: Yes. But I already said recently that it was not the military commander-in-chief's business to negotiate these matters with the Reichstag. This was a matter for the Government. Herr Severing will also testify to that.

SIR DAVID MAXWELL-FYFE: We will hear Herr Severing when he comes. At the moment I want you to tell the Tribunal this . . .

RAEDER: *[Interposing.]* I say the same . . .

SIR DAVID MAXWELL-FYFE: Just wait a minute; you have not heard my question yet. What did you say to Captain Schüssler? Did you tell him you are giving an entirely false picture in suggesting that the Navy had anything to do with going behind the back of the Reichstag? Did you make any effort to correct what Captain Schüssler was saying?

RAEDER: No, I did not correct his book. I had no time for that.

SIR DAVID MAXWELL-FYFE: Now, just before we come to Number IV, if you just look, it's page—

My Lord, it is Page 32 of the English book, and Page 186 of your book. This is part of Captain Schüssler's description of Section II

dealing with economic rearmament; it comes under the heading, "Difficult Working Conditions."

[Turning to the defendant.] Do you see that? It begins: "There were often difficult working conditions." Do you see that? The heading is "Difficult Working Conditions."

RAEDER: Yes I see, "Difficult Working Conditions."

SIR DAVID MAXWELL-FYFE: Now, I want you to look at the last part of it. Now, I want it quite clear, Defendant. This is dealing with the period from 1923 to 1927, before you were head of the Navy; so I want to ask you about it.

> "There were often many external difficulties besides these for the Tebeg—the camouflaging of the task and the work, the distance separating them, the impossibility of settling any questions even of minor importance by telephone, and the necessity of avoiding if possible any written correspondence, and of carrying it out in any case as private correspondence with false names and disguised expressions."

Did you not know that that was the method by which it was being carried on?

RAEDER: No; I really knew very little about the Tebeg—the Tebeg, the Navis—any of these things. But I think it was quite right for these people to work like that, because at that time the attitude of a large percentage of the German people was unreliable, and there was great danger if these things leaked out. In any case, the Tebeg had been dissolved when I arrived.

SIR DAVID MAXWELL-FYFE: Now, would you kindly turn back to Page 126, in Book 4, Page 28 of the English book, and just look at Captain Schüssler's description of the fourth period: "Armament under the direction of the Reich Government in camouflaged form (from 1933 to 1935 when we were free to recruit on an unrestricted basis.)"

Do you agree that Captain Schüssler was giving an accurate description of your methods from 1933 to 1935?

RAEDER: How does he describe it? Where is that passage?

SIR DAVID MAXWELL-FYFE: It is Number 4.

RAEDER: "Armament under the leadership of the Reich Government in camouflaged form"?

SIR DAVID MAXWELL-FYFE: You agree that it is a correct description of your activities from 1933 to 1935?

RAEDER: Of course. I did that on orders from the head of the State; and before all the head of the State was very anxious to see that no exaggerated measures should be taken, so that it would

not interfere in any way with his plans for making an agreement with Great Britain. He allowed very little to be done with regard to the Navy. He could at once have built eight armored ships, so many destroyers, and so many torpedo boats, none of which had yet been built, but he did none of these things because he said, "We do not want to create the impression that we are arming on a large scale." He approved only two . . .

SIR DAVID MAXWELL-FYFE: You have explained that; so note, Defendant, the point is this—the "camouflaged form" when you were negotiating the naval agreement. You did not want anyone to know what steps you had taken contrary to the treaty and how far you had gone. That is the plain fact of it—you wanted to get the naval agreement without disclosing what you had done, isn't that so?

RAEDER: No, that distorts the sense of what I said. We did not want the announcement of these measures to cause strained relations between Germany and Britain. The measures as such were completely justifiable and were extremely minor ones.

SIR DAVID MAXWELL-FYFE: I will come to that in a moment. I only do want, before we leave these naval works, to ask you one question about another book. You know that Oberst Scherff projected a history of the German Navy. I don't want any misunderstanding about it. As I understand the position, you permitted Oberst Scherff to have recourse to the archives of the Navy but beyond that you hadn't seen anything of his work, isn't that right?

RAEDER: I did not see his book at all. I saw the table of contents here the first time I was interrogated. I did not give him the order, either; he received it from the Führer; and for that reason I allowed the Chief of the Navy Archives to assist him.

SIR DAVID MAXWELL-FYFE: Well, that is exactly what I put to you. I want you to turn to Book 10a. It starts at Page 1 in the English version and also Page 1 in the German. And if you would look at Page 3 you will find the proposed table of contents of Oberst Scherff's book, Page 3 in the English version. I think it must be about Page 3 in the German version, too. Now would you look at the heading of Section 2. It is: "Incorporation of the Navy in the National Socialist State." And then he describes, "(a) National Socialism in the Navy before 1933" . . .

RAEDER: Where is that? I have not found it yet.

SIR DAVID MAXWELL-FYFE: Section 2 of the table of contents.

RAEDER: No, that must be something quite different. I have not got it here . . .

I have got it now.

SIR DAVID MAXWELL-FYFE: Would you look at Section 2, which is: "Incorporation of the Navy in the National Socialist State." And you can see the proposed headings which were to cover some 30 pages: "National Socialism in the Navy before 1933." Then: "The oath of the Navy to the Führer; the taking over of the National Insignia; the first alteration of the flag and the New War flag." Do you agree with Oberst Scherff's description? You agree that this is a correct description, that the proceedings could be described as the incorporation of the Navy in the National Socialist State?

RAEDER: Of course—I explained that here recently—the Navy—the Armed Forces—had to have some connection with the National Socialist State. A democratic Navy in a monarchy is impossible. The basic principles must agree. But I myself decided the extent to which these principles were adopted—that is to the degree where the Navy maintained its internal independence and yet occupied its appropriate position with regard to the National Socialist State.

Apart from that, I do not see any text here; I can only see the headings.

SIR DAVID MAXWELL-FYFE: You say that doesn't offend you as a description. That is all I wanted to get clear. I do not want to spend a great deal of time.

RAEDER: But the headings mean nothing.

For instance, it might say in the actual text that the Navy did not fit into the National Socialist State properly. I do not know. The same holds good of the fleet. Of course...

SIR DAVID MAXWELL-FYFE: I am not going to waste time on it. There were three matters which you dealt with in your examination-in-chief, and I am not going to deal with them in detail; but I just want to remind you of them and put one general question. You can put that document away; I am not going to pursue it further. Would you mind putting that document away and giving me your attention for the next question?

You were asked about the E-boats, your survey list, that long document, in September 1933, and the question of disguised auxiliary cruisers as transport ships O. Is this a fair summary of your answer: That you admitted that these breaches of the Treaty took place, but said in each case that the breach was only a little one. Is that a fair summary of your answer? Is it?

RAEDER: No.

SIR DAVID MAXWELL-FYFE: Now, let's take it in bits, then. Are you disputing that any of these matters with regard to the E-boats, the matters on the survey lists or the transport ships O—are you disputing that any of these matters took place? I understood, you admitted they all did take place...

RAEDER: No, they took place in the way I described. For instance, these auxiliary cruisers were not built. We were not allowed to do that. But we were allowed to make plans and we were allowed to select those ships which, in the event of war—if a war had broken out in which Germany was attacked by another state—could have been used as auxiliary cruisers. That was not a violation. If it were I would admit it. The U-boat designing office in Holland was not a violation of the Versailles Treaty either. The wording was quite different; I do not remember the third case which you mentioned.

SIR DAVID MAXWELL-FYFE: Now, you remember there was a long list in a document, from yourself.

RAEDER: Yes, of course.

SIR DAVID MAXWELL-FYFE: And I understood, maybe wrongly, that you admitted these things took place, but you said "it is only a little one."

RAEDER: Yes, of course. Those were small things, but they were urgently necessary in Germany's defense interests.

SIR DAVID MAXWELL-FYFE: Now, I want to ask you about an officer of yours, Vice Admiral Assmann. Was he an officer in whom you had confidence?

RAEDER: He was a very able historian.

SIR DAVID MAXWELL-FYFE: Will you answer my question? Was he an officer in whom you had confidence?

RAEDER: I had confidence that he would write history correctly.

SIR DAVID MAXWELL-FYFE: That is all I wanted. Now, would you have a look at a new document, which is Document Number D-854, which, My Lord, will be Exhibit Number GB-460. Now, that is an extract from one of a series of essays on the operational and tactical considerations of the German Navy and consequent measures taken for its expansion between 1919 and 1939, contained among the files of Vice Admirals Assmann and Gladisch, who were in the historical section of the German Admiralty.

Now, would you mind not looking at it for a moment, Defendant? I want to ask you some questions and then you can look at it with pleasure afterwards. Do you agree that in nearly all spheres of armament where the Navy was concerned, the Treaty of Versailles was violated in the letter and all the more in the spirit? Do you agree with that?

RAEDER: No, by no means in every sphere. In the most important sphere we were far behind the Versailles Treaty, as I explained to you very clearly. Possibly we infringed on it the other way round, by not doing as much as we could have done.

SIR DAVID MAXWELL-FYFE: Will you just look at this document. At the beginning of the first quotation your officers say:

"But if—as was stated—in nearly all spheres of armament where the Navy was concerned, the Treaty of Versailles was violated in the letter and all the more in the spirit—or at least its violation was prepared—a long time before the 16th of March 1935 . . ."

Are your admirals wrong in stating that? Is that what you are telling the Tribunal?

RAEDER: May I please see which page this is on? I have not seen it yet. Yes, he says, "in nearly all spheres of naval armament . . ."

That is not the case, for in the sphere of . . .

SIR DAVID MAXWELL-FYFE: That's what I put to you; is that right?

RAEDER: No, it is not right. We had not even built as many ships as we could have built, but—as I have explained repeatedly, the violations were concerned with . . .

SIR DAVID MAXWELL-FYFE: You've explained that.

RAEDER: . . . violations were . . .

SIR DAVID MAXWELL-FYFE: Really, we do know the position of your shipbuilding yards. You've given that explanation and it's a matter of discussion whether it's of any value. I am not going to argue with you. I am asking you this question: Are you saying that the admirals of your historical section are wrong in that sentence that I read out to you?

RAEDER: Yes, I am stating that. It is wrong as it stands.

SIR DAVID MAXWELL-FYFE: I see. Well, now let's pass on—the Tribunal will judge that—to the statement of Admiral Assmann. It goes on:

"This probably took place in no other sphere, on the one hand so early, and on the other hand under such difficult circumstances, as in the construction of a new submarine arm. The Treaty of Versailles had only been in force a few months (since 10 January 1920) when it was already violated in this point."

Do you agree with Admiral Assmann on that?

RAEDER: No, he is wrong. It was not violated at all in this point, and the reason it started so early was because all the ex-U-boat commanders and U-boat officers and technicians were out of a job and offered their services to maintain technical developments in U-boats abroad; that is why it was so early. But that has

nothing to do with me because I had no say in these matters then. At that time I was working on the Navy Archives.

SIR DAVID MAXWELL-FYFE: Well, how are you able to be so confident today that Admiral Assmann is wrong? I thought you said that he was a good historian. He had not to go back very far. He only goes back 20 years.

RAEDER: A good historian can make mistakes too if his information is wrong. I merely said I had confidence in him . . .

SIR DAVID MAXWELL-FYFE: You say quite in detail—the first paragraph is about Japan.

RAEDER: Yes; what he says about the building of U-boats is wrong.

SIR DAVID MAXWELL-FYFE: Well, let's just see how far he was wrong. We needn't go into the first paragraph which deals with shipbuilding for Japan, but take the second one: "In 1922 . . ." Do you see the paragraph which begins:

> "As early as 1922, three German shipbuilding yards established a German U-boat designing office in Holland under a Dutch cover name with about 30 engineers and designers. In 1925 a Dutch shipbuilding yard built two 500-ton U-boats for Turkey according to the plans of this bureau, which enjoyed the financial and personal support of the Naval Command. In the solution of this question, too, Kapitän zur See Lohmann was concerned decisively."

Is that right?

RAEDER: We have admitted that. That was in no way a violation of the Versailles Treaty.

SIR DAVID MAXWELL-FYFE: We'll not argue that, but it's right anyway. Admiral Assmann's right about that. Then he deals with Finland and with Spain. And, if you look at the end of the paragraph after dealing with Spain, he says:

> "Already in the autumn of 1927 the Naval Designing Department was commissioned to carry out construction in Spain by the Chief of the Naval Command Staff, Admiral Zenker, who accepted the responsibility despite all the difficulties in the field of home politics. The working out of the project and the drawing up of the construction plans took place in the Dutch Bureau. After completion in 1931, the ship carried out trial runs and diving exercises from Cadiz to Cartagena, under German direction and with German personnel, consisting of officers, engineers, naval construction students and foremen."

That's all. That's quite right, isn't it?

RAEDER: Yes, but the shipbuilding designer from our designing office, in particular, as well as the above-named other persons employed on U-boat construction, were discharged from the Navy

SIR DAVID MAXWELL-FYFE: And just look at the last sentence: "This boat which is now the Turkish submarine *Gür* became the prototype for the *U-25* and *U-26*."

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Now, the 250-ton submarines which were made in Finland. And, if you look at the last sentence of the next paragraph:

"The Finnish U-boat was the first U-boat plan to be worked out in Germany and successfully carried out; the Dutch bureau was called upon only to work out the details.

"The Finnish 250-ton vessel became the prototype for *U-1* to *U-24*."

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: And now the next paragraph:

"The building and the thorough trial of the prototype vessel made it possible to obtain the parts for *U-1* to *U-24* in 1933 to 1935, long before the order for the assembly of the vessels; and the latter was prepared beforehand as far as was possible without endangering secrecy."

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Now, would you turn on to Page 156. You see where the next quotation is from:

"At the beginning of 1935"—that is 6 months before the Anglo-German Treaty—"there were probably six 250-ton boats ready for assembly, six 275-ton and two 750-ton boats on which preparatory work was being done. About 4 months were needed for assembling the small ships and about 10 months for the big ones, dating from 1 February 1935, but everything else was still quite uncertain."

Now, look at the next words:

"It is probably in this very sphere of submarine construction that Germany adhered least to the restrictions of the German-British Treaty.

"Considering the size of the U-boats which had already been ordered, about 55 U-boats could have been provided for up to 1938. In reality 118 were completed and under construction.

"The preparations for the new U-boat arm were made so early, so thoroughly and so carefully, that already 11 days after the conclusion of the German-British Naval Treaty,

which permitted the construction of U-boats, the first German U-boat could be put into commission on 29 June 1935."

Now, take that sentence, which is written by Admiral Assmann, and we've seen what your connections with Assmann were through about 100 documents. He said: "It is probably in this very sphere of submarine construction that Germany adhered least to the restrictions of the German-British Treaty."

Now, you've told this Tribunal for about several hours of your evidence that that was a freely negotiated treaty of which you were very proud and which you were ready to support. Are you telling the Tribunal that your admirals are wrong in saying that in submarine construction Germany adhered the least to the restrictions of that freely negotiated treaty?

RAEDER: That is a completely false judgment. I have stated here that, as long as no negotiations with Great Britain had taken place with regard to the pending agreement, all the preparations which we did make were exclusively attended to abroad—that in the proportion which probably . . .

SIR DAVID MAXWELL-FYFE: Defendant, you can make your explanation . . .

RAEDER: Will you please stop interrupting me.

SIR DAVID MAXWELL-FYFE: We'll take it in this order, and don't get cross about it. You answer my question, and then you make your explanation. Now answer my question first. Are you saying that Admiral Assmann is wrong in saying in that first sentence that it was just in the "sphere of submarine construction that Germany adhered least to the restrictions of the German-British Treaty." Is Admiral Assmann wrong when he says that, is that what you're telling the Tribunal? Well, that is my question.

RAEDER: He is wrong. I said so; I have already said so.

DR. SIEMERS: Mr. President, I believe these are not questions relating to facts. They are questions for legal decisions. It is a legal argument as to just how Article 191 of the Versailles Treaty is to be interpreted.

THE PRESIDENT: The Tribunal think that the question is quite proper. In his explanation, of course, he can explain that in his view it was not a breach of the Treaty and he has already explained that. He can give us his opinion about it. He was the head of the German Navy.

SIR DAVID MAXWELL-FYFE: Well, now, will you take the second sentence . . .

RAEDER: But I should like to finish if I may. I can give an explanation of that.

All these things were only preparations made outside Germany. The point under discussion is whether the Finnish U-boats were constructed with the help of German designers. That is true. German designers were not forbidden to help Finnish designers to draft designs for U-boats. It is also true that this U-boat later . . .

SIR DAVID MAXWELL-FYFE: I'm awfully sorry to interrupt you, but you know this isn't dealing—this sentence isn't dealing with this early period. This is dealing with the period after the Anglo-German Treaty in 1935 and that's what I want you to answer me about. This Finnish matter was long before that.

RAEDER: I am still speaking of the period preceding the agreement, for I was accused of manufacturing U-boat parts abroad. And the fact is that . . .

SIR DAVID MAXWELL-FYFE: Yes, I know, but don't you see that . . .

RAEDER: I have not given my answer yet. No . . .

SIR DAVID MAXWELL-FYFE: I am not asking you about that. I like you to answer the right question. I'm not asking you about the question of Versailles any longer. I'm asking you about Admiral Assmann's assertion that you did not adhere to the restrictions of the German-British Treaty in 1935, and what you did in Finland in the 20's has nothing to do with that. Now, that's all. You can give your explanation.

RAEDER: That is entirely wrong. We particularly restricted ourselves with regard to the construction of U-boats; and in 1938 we had still not built the 45 percent which we were entitled to build, so we made an application for permission to build up to 100 percent; and this was agreed on, and came into effect, as appears from the text of the English treaty, after a friendly discussion with the British Admiralty at the end of 1938. At the beginning of the war we still did not have 100 percent. We were always behind with the construction of submarines.

Admiral Assmann, who probably had no up-to-date knowledge of these matters, is quite wrong. I can swear to that.

SIR DAVID MAXWELL-FYFE: Just look at the next sentences. This is dealing . . .

RAEDER: What page are you speaking of?

SIR DAVID MAXWELL-FYFE: Page 156. I will read it very slowly again:

> "Considering the size of the U-boats which had already been ordered, about 55 U-boats could have been provided for up to 1938. In reality 118 were completed and under construction."

Are you saying that Admiral Assmann is wrong when he states that?

RAEDER: I am awfully sorry; I still have not got the passage from which you are reading, that is quite—which line . . .

SIR DAVID MAXWELL-FYFE: Have you got the sentence, Defendant?

RAEDER: Yes, I have found it now.

SIR DAVID MAXWELL-FYFE: Well now, you see what Admiral Assmann says, that:

"Considering the size of the U-boats which had already been ordered, about 55 U-boats could have been provided for up to 1938." That is before there was any mention of going from 45 to 100. "In reality 118 were completed and under construction."

Are you saying that Admiral Assmann is wrong in giving these figures?

RAEDER: Certainly. In 1939 we entered the war with 40 submarines—I do not know the exact number. This is either a misprint or quite an incredible figure. As you know, we started the war with—I think—26 U-boats capable of sailing the Atlantic, and in addition a number of smaller boats. I cannot tell you for certain now what was under construction at the beginning of the war but there was no intention of this kind. That was precisely the accusation made against me—that I did not have sufficent U-boats built in good time. I dispute the whole of that sentence.

SIR DAVID MAXWELL-FYFE: You agree then, Defendant, that Admiral Assmann's figures are quite incompatible with what you have told the Tribunal about the number of U-boats with which you started the war?

RAEDER: Yes.

DR. SIEMERS: I should be grateful to Sir David if he would read the entire sentence; that is, if he would also read Note 6, which appears after the Number 118 and after the word "ordered." Note 6 which, as I have just observed, is not included in the English translation is worded as follows: "Chief of the Naval Budget Department, B. Number E 311/42, Top Secret, of 19 November 1942."

The figure, Mr. President, refers to a much later period, not 1938 at all.

I should be extremely grateful if, after the experience we have just had, I could in future have not only the German document but also the English translation from Sir David. I should be very grateful to Sir David if he could have this done.

THE PRESIDENT: Could you not have the passage you want translated from the German into English by the time you want

to re-examine? As I understand it, you are referring to some note which is an addition to what has been translated into English. Will you read it again, would you read the passage again?

DR. SIEMERS: Sir David has been reading the following: "In reality 118 were completed and under construction."

That is as far as Sir David has read. After the word "ordered" there is the figure 6. This refers to Note 6. Note 6 is worded as follows: "Chief of the Naval Budget Department, B. Number E 311/42, Top Secret, of 19 November 1942. (Page 19)."

In other words, this shows that the Number 118 must have been mentioned on Page 19 of this document of the Naval Budget Department in 1942. The figure therefore does not refer to the year 1938 but to a later date.

RAEDER: I can add another explanation to that which is quite possible.

SIR DAVID MAXWELL-FYFE: My Lord, I will look into that, but the text says—and there is no difference in the German text—exactly what I read—that "about 55 could have been provided up to 1938 and that in reality 118 were ready and ordered." That is Admiral Assmann's text.

DR. SIEMERS: But not 1938.

SIR DAVID MAXWELL-FYFE: Really, My Lord, my friend, Dr. Siemers, will have ample opportunity—if there is any point, I shall consider it, but there is the text, and the text includes that. What the footnote says, Dr. Siemers, can be put in re-examination.

THE TRIBUNAL (Mr. Biddle): Sir David, will you look at the note and see if the report was made in 1942, rather than the construction? I suggest that you ask him whether or not the note doesn't show that the report was made in 1942, rather than the construction—I suggest that you ask him whether or not the note doesn't show that the report was made in 1942, rather than the construction.

SIR DAVID MAXWELL-FYFE: Really, my translation of this note is "Chief of the Naval Budget Department." Then it gives the reference to his note, dated 19 November 1942. It seems entirely to bear out the suggestion of the learned American Judge, that this is the reference to the report, nothing more. It is only suggesting that the date of construction was 1942, and I think it really would be a matter of convenience that, unless Dr. Siemers has got something to say on the text that I am putting, if he reserved these argumentative points to re-examination.

THE PRESIDENT: Dr. Siemers, you can raise it all in re-examination. You can have a translation of this note laid before us by that time.

DR. SIEMERS: Mr. President, I am perfectly agreeable. I have merely requested that one copy of the English translation of the newly submitted documents should be given to me.

Mr. President, you will admit that it is a considerable handicap to me to ascertain during the cross-examination what passages are missing from the translation and translate them myself when the British Delegation have an English translation on hand. I think it might be easier if Sir David would be good enough to let me have an English translation for my own use.

THE PRESIDENT: Sir David, you will be able to let him have an English translation of any new document?

SIR DAVID MAXWELL-FYFE: Certainly. The Tribunal has ordered that. That is prepared. Surely you got the English translation? Certainly, My Lord. As I put each document, a translation will be given to Dr. Siemers.

THE PRESIDENT: There may have been some mistake.

SIR DAVID MAXWELL-FYFE: You will certainly get it.

[Turning to the defendant.] Now, we will pass to another gentleman on your staff. You told us a good deal about the naval budgets. Do you remember a Flottenintendant in your department, Secretary Flottenintendant Thiele, of the OKM Department E, the Budget Department of the German Admiralty? Do you remember?

RAEDER: Yes. Mr. Prosecutor, may I just say one more thing about the question of 118? I have just remembered something in connection with this Number 6, Chief of the Naval Budget Department. It is perfectly possible that in this case Admiral Assmann has taken two things together. All U-boats and ships were, of course, included in the budget and in this way sanctioned. This budget was drafted at the end of the year and published before the year to which it applied. As this large figure suddenly appears in this document, it is perfectly possible that here the Figure 118 originates on the basis of the agreement with England made on 30 or 31 December. It is perfectly natural that we should include in the budget all the other U-boats which we were allowed to build to complete the 100 percent. This does not necessarily mean that we started to build the U-boats in 1938. Incidentally I think we might have perhaps begun, because one can only build so and so many U-boats in any one year.

I think that this explanation, which occurred to me when I saw the words "Naval Budget Department," is a perfectly correct one.

SIR DAVID MAXWELL-FYFE: The Tribunal has the wording; that is, "up to 1938," and I am not going to argue the point with you. The words speak for themselves.

I would like you to look at Document Number D-855, which becomes Exhibit Number GB-461, and it is an extract from a lecture by the gentleman I have just mentioned, Herr Thiele, which was given at the German Naval Training Center for Administrative Officers in Prague on 12 July 1944. The extract I want to put to you is on Page 22, and it is headed "Ship Construction Plan." Have you got that—Page 22, and the heading is "Ship Construction Plan"? You see the paragraph beginning:

> "The era of the very large development of the Navy had therefore come at the moment of the seizure of power. Already in the first year after this, in March 1935, the construction of battle cruisers with a displacement of 27,000 tons was undertaken. Such a vessel was ordered to be constructed. Thus one of the clauses of the Treaty of Versailles which was the most important for us was at once violated in the naval sphere in a manner which in a short time could no longer be camouflaged."

Is not Flottenintendant Thiele right when he says that in his lecture?

RAEDER: Of course it was a violation, but I have explained here at length that there was no question of building new battle cruisers but of utilizing the two armored ships which had already been granted us; and I said that in 1934 Hitler had only given me permission to enlarge somewhat the plans for these ships, so that the armor might be heavier. I see from this that it was not until March 1935, when it was certain that the treaty would be concluded and also that England would allow us to build such ships through this treaty in a few months' time that the Führer sanctioned the plans projected for the 26,500 ton ships which were to be the first of the battleships in the new program; and they were then begun. So that the three 28 cm turrets—that is, the offensive weapons which he had not yet approved in 1934—were thrown in.

SIR DAVID MAXWELL-FYFE: This gentleman seems to agree with you more than the other. Just look at what he says about U-boats two sentences further on. He says:

> "The U-boats were completed in separate parts, as their construction was under no circumstances to be apparent to the outside world. These parts were stored in sheds for the time being and needed only to be assembled after the declaration of freedom to rearm."

Is not Flottenintendant Thiele right on that point?

RAEDER: Yes, he is right. We have admitted that.

SIR DAVID MAXWELL-FYFE: Let us look at his next point.

RAEDER: Perhaps I can complete my explanation? We . . .

SIR DAVID MAXWELL-FYFE: Do try to keep it as short as you can. I don't want to cut you out, but keep it as short as you can.

RAEDER: Of course, but I must complete my defense.

We had U-boat parts manufactured abroad and only at the beginning of 1935 did we bring them in and assemble them, when the naval treaty was certain.

SIR DAVID MAXWELL-FYFE: I see. You say you were anticipating the treaty; well now, just look at what he says after that:

"The third also of those clauses of the Treaty of Versailles that was most disadvantageous for us, the limitation of personnel to 15,000 men, was immediately ignored after the seizure of power. The total personnel of the Navy was already 25,000 in 1934, and in 1935, the year of the London Naval Agreement, 34,000 men."

Is not Flottenintendant Thiele right on that? Is that right?

RAEDER: Yes, that is admitted. It was clear that we had to train personnel in good time so that crews might be available for our increased naval forces.

SIR DAVID MAXWELL-FYFE: Well, now I just want you to look for a moment at the document which is on Page 3 of Document Book 10, which you did refer to in your examination-in-chief. That is Document C-23, about the displacement of the *Scharnhorst* and the *Gneisenau* and the *Tirpitz* and the *Bismarck* and the other ships.

Now, you are familiar with that document; we have discussed it.

RAEDER: Yes. I know the documents.

SIR DAVID MAXWELL-FYFE: Well now, that is dated the 18th of February, 1938. Germany didn't denounce the Anglo-German Naval Treaty until after the British guarantee to Poland in April 1939, which is 14 months later. Why didn't you simply send a notification to Great Britain that the displacements had come out 20 percent bigger because of defensive matters in construction? Why didn't you do it?

RAEDER: I cannot tell you that today. We explained recently how the displacements gradually increased through quite insignificant changes to our own detriment.

SIR DAVID MAXWELL-FYFE: Yes. Really, Defendant, I have got that well in mind. We have got the reason why the displacements came out bigger, and I don't think you are prejudicing yourself if you don't repeat it, but just look at the bottom of that page, because I think you will find the reason which you can't remember there; won't you?

"In the opinion of A IV, it would be quite wrong to report a larger tonnage than that which will probably be published

shortly, for instance, by England, Russia, or Japan, so as not to bring upon ourselves the odium of an armament race." Isn't that the reason?

RAEDER: Yes, that was intended for a future date. We wished in no circumstance to create the impression that we were increasing the offensive power of our ships.

SIR DAVID MAXWELL-FYFE: Defendant, I am going to pass to another subject, and I want to put quite shortly and bluntly, as you will appreciate, the point the Prosecution puts to you, that for 20 years, from 1918 to 1938, you and the German Navy had been involved in a course of complete, cold and deliberate deception of your treaty obligations. That is what I am putting to you. Do you understand? After these documents, do you deny that that is so?

RAEDER: Of course. It was not a cold-blooded affair. All our evasions of the Versailles Treaty were due to our desire to be able to defend our country more efficiently than we had been allowed to. I have proved here that in the Versailles regulations the only points restricted were those unfavorable to the defense of our country and favoring aggression from without. As regards the ships, I may add that we could never complete any very great number of ships, and consequently we were interested in increasing as far as possible the power of resistance, that is, their seagoing security, *et cetera.* At no time did we increase the offensive power above the strength which was permitted.

SIR DAVID MAXWELL-FYFE: Defendant, I want you to understand what my next series of questions is directed to. I don't want there to be any misapprehension. I am now going to suggest to you that these breaches of treaty and your naval plans were directed toward the possibility, and then the probability of war. I would just like you to take the same document that I have been dealing with, C-23. We will use that to pass from one to the other.

Would you turn to Page 5 of Document Book 10, and there you will see that there is a memorandum, I think of the Planning Committee to the Flottenchef, Admiral Carls. We have heard your view of Admiral Carls, that you thought he was a very good officer, and in fact he was your first choice for your successor.

Now, that is in September 1938, and it is a top secret opinion on the strategic study of naval warfare against England, and you see "A" says:

"There is full agreement with the main theme of the study."

Now, look at Paragraph 1:

"If, according to the Führer's decision, Germany is to acquire a position as a world power, she needs not only sufficient

colonial possessions, but also secure naval communications and secure access to the oceans."

Do you agree with that, Defendant?

RAEDER: Yes, that is correct. I know the whole document.

SIR DAVID MAXWELL-FYFE: Now, look at 2:

"Both these requirements can only be fulfilled in opposition to Anglo-French interests, and would limit their position as world powers. It is unlikely that this can be achieved by peaceful means. The decision to make Germany a world power, therefore, forces upon us the necessity of making corresponding preparations for war."

Do you agree with that?

RAEDER: Yes, that is all quite correct.

SIR DAVID MAXWELL-FYFE: Now, let's take 3:

"War against England means at the same time war against the Empire, against France, probably against Russia as well, and a large number of countries overseas—in fact, against half to two-thirds of the whole world."

I needn't ask you about that, because the facts have shown it. Now, look at the next: "It can only be justified. . . ."

RAEDER: Yes, but I must be allowed to comment on that document.

SIR DAVID MAXWELL-FYFE: Oh certainly, I'm sorry. We got on so quickly I thought we were not going to have any explanation.

RAEDER: In 1938, as has been stated here quite often, the Führer's attitude towards Great Britain became more difficult in spite of all the efforts of General Von Blomberg and myself to tell him that it was not so on England's side, and that it was possible to live in peace with England. In spite of that the Führer ordered us to prepare for possible opposition by England to his plans. He for his part never contemplated a war of aggression against Great Britain; and we in the Navy still much less; in fact, I have proved that I did nothing but try to dissuade him from that. In 1938 he ordered us to make a study similar to those we had already made in the case of other possibilities of war—which it was the duty of the Wehrmacht Command to do—but dealing with the course which a war against England might take and what we would require for it. This study was prepared, and I reported to the Führer that we could never increase our fighting forces to such an extent that we could undertake a war against England with any prospect of success—it would have been madness for me to say such a thing. I told him—that has repeatedly been mentioned—that by 1944 or 1945 we might build up a small naval force with

which we could start an economic war against England or seize her commercial shipping routes, but that we would never really be in a position to defeat England with that force. I sent this study, which was compiled under my guidance in the Naval Operations Staff, to Generaladmiral Carls who was very clear-sighted in all such questions. He thought it his duty to explain in this introduction of his reply, which agreed with our opinion, the consequences which such a war against Great Britain would have for ourselves, namely, that it would bring about a new world war, which neither he nor we in the Navy nor anyone in the Armed Forces wanted—in my opinion, not even Hitler himself, as I proved the other day—hence this statement. He said that if we must have war with England, it was essential that we should first of all have access to the ocean and, secondly, that we should attack English trade on the sea route of the Atlantic. Not that he proposed that we, on our part, should embark on such a venture. He was only thinking of the case of such a war breaking out very much against our will. It was our duty to go thoroughly into the matter.

SIR DAVID MAXWELL-FYFE: He says that, "The war against it"—that is the war against England—"can only be justified and have a chance of success if it is prepared economically as well as politically and militarily." Then you go on to say "waged with the aim of conquering for Germany an outlet to the ocean."

Now, I just want to see how you prepared.

RAEDER: Yes, that is quite clear and quite correct.

SIR DAVID MAXWELL-FYFE: Let's just look how you had begun to prepare economically. Let's take that first, as you put it first.

Would you look at Document C-29, which is Page 8.

THE PRESIDENT: Sir David, hadn't we better break off now before going into this?

[A recess was taken.]

SIR DAVID MAXWELL-FYFE: I told you, Defendant, that I was next going to ask you a question about Document C-29, which is on Page 8 of the English Document Book 10 and on Pages 13 and 14 of the German document book. You will remember, this document gives general directions for export given by the German Navy to the German armament industry . . .

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: . . . and you told us when you were dealing with the document that you wanted your service not

to be small-minded about matters of a not very high secrecy but, in addition to that, your general policy was that the German armament firms should develop a foreign trade so that they would have the capacity to deal with the increased demands of the German Navy as soon as possible. Is that right, is that a fair summary, or shall I repeat it?

RAEDER: Yes, but it must be added that I said in two places that we hoped at that time that the Treaty of Versailles would be relaxed, because it was a comparatively favorable period for negotiations for disarmament and we already had the governments headed by Von Papen and Von Schleicher, both of whom showed great understanding for the needs of the Armed Forces and therefore fought hard for that at the disarmament conference. So a definitely legal development might be hoped for in this direction; and on the other hand, our entire industry was unable to cope with armaments production except on an insignificant scale and had therefore to be increased. I again stress the fact that it had nothing to do with the Hitler regime. That decree just happened to come out on 31 January.

SIR DAVID MAXWELL-FYFE: I don't think you are really disagreeing with me that your policy, your broad economic policy for the German armament industry, was to develop its export trade so as to be able to deal with increased home requirements in future years; that is what you advocated, isn't it, that the German armament industry should at once increase its export trade so as to be able to deal with increased home requirements when these requirements arose? Isn't that right?

RAEDER: Yes, that is correct but I do not quite understand that expression. Did you say "Eigenhandel" or "Eisenhandel"—internal trade or iron trade? I did not quite hear the expression—"Eigenhandel" or "Eisenhandel"?

SIR DAVID MAXWELL-FYFE: "Aussenhandel" (Foreign Trade).

RAEDER: "Aussenhandel"—yes, undoubtedly we wanted to be able to compete industrially with other nations, so that our industry would be in favorable position, and would gain strength.

SIR DAVID MAXWELL-FYFE: Now, I will ask you to turn to Document Number C-135, which is Page 21 of the—sorry My Lord, Page 20 of the English document book and Page 73 of the German document book.

THE PRESIDENT: Book 10.

SIR DAVID MAXWELL-FYFE: Book 10, My Lord, yes.

[Turning to the defendant.] Now, you remember that document, you dealt with it? You said . . .

RAEDER: Yes, it was dealt with in the Lohmann affidavit.

SIR DAVID MAXWELL-FYFE: Yes, it is a document of the—I think, in April 1933, judging by the dates which I put to you a moment ago, and you said to the Tribunal in giving your evidence that it was mere chance that the year 1938 was mentioned; that that was the same period as has been dealt with.

RAEDER: It has already been stated several times that the year 1938 was mentioned.

SIR DAVID MAXWELL-FYFE: Has it been mentioned in some Weimar Republic document? Will you just look at the second last paragraph; that will be on your Page 74, Page 21 of the English document. It is in the middle paragraph of Paragraph 3:

> "Now Reichskanzler Adolf Hitler had made the clear political request to build up for him in 5 years, that is, by the first of April 1938, armed forces which he could place in the balance as an instrument of political power."

Is that sure, that Hitler had made a clear political request?

RAEDER: Yes, as far as I remember, he demanded a sort of five year plan in 1933 the last year of which, 1938, happened to coincide with the 1938 mentioned in our substitute plan for subsurface construction, and that directive had obviously been given for the whole of the Armed Forces; since the naval agreement, which gave us the right to arm only in the proportion of 1:3 and not in accordance with any special plans, had become the basis for the Navy as early as 1935.

SIR DAVID MAXWELL-FYFE: The point that I want to deal with is this: Did Hitler tell you that he wanted these forces to place in the balance as an instrument of political power, did he tell you that?

RAEDER: I can no longer tell you that; but I believe that it is a perfectly ordinary expression to say that one uses one's armed forces as an instrument which could also be thrown into the scales at political negotiations, so that we need no longer be kicked around by the different nations, as had so far been the case. In my opinion, no suspicion attaches to the expression.

SIR DAVID MAXWELL-FYFE: To put it bluntly, Hitler was telling you, "by 1938 I want armed forces that I can use in war, if war should become necessary." That is what it means, isn't it? That is what you understood it to mean, isn't that right?

RAEDER: No. There was no word about a war, only about the fact that we had to keep our position among the other nations so that we could no longer be tossed aside, as had hitherto been the case.

SIR DAVID MAXWELL-FYFE: If anyone tried to push you over, you could fight; that is it, wasn't it?

RAEDER: That is obvious. That would be the case, of course, if we were attacked. We wanted to be in a position to defend ourselves if we were attacked. Up till that point we were unable to do this.

SIR DAVID MAXWELL-FYFE: Now, just let us take the first example, when you contemplated fighting. If you look at Document Book 10a, Document Number C-140, Page 104 of the English translation and Page 157 of the German version, you remember that is the directive of Field Marshal Von Blomberg on Germany leaving the disarmament conference and League of Nations. And there, there is a pretty full general directive as to what military measures you would take if the members of the League of Nations applied sanctions against you; in other words you were quite prepared...

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: ...for a war happening on that peace policy; that is so, isn't it, and that is what it says, it gives all preparations ready for fighting?

RAEDER: These preparations were made, if I remember correctly, 11 days after we had left the League of Nations, and it was quite natural that, if the Führer believed that in consequence of our leaving the League of Nations, which was quite a peaceful action in itself, warlike measures or sanctions would be applied against us, we would have to defend ourselves; and if such an attack was probable we had to take these preparatory steps.

SIR DAVID MAXWELL-FYFE: So you realized, Defendant, that as early as October 1933 the course of Hitler's foreign policy might have brought about an immediate war, did you not?

RAEDER: No, I did not expect at all that such a measure as the secession from the League of Nations, where we had always been treated unjustly because we had no power behind us, would result in a war with any other power. Nevertheless, it was right to take such eventualities into consideration.

SIR DAVID MAXWELL-FYFE: I see. That is good enough for me.

Now, just let us look at the same document book, Document Number C-153, on Page 107 of the English version and Page 164 to 167 of the German version. That is, you will remember, your armament plan for the third armament phase, and I would just like you first of all to look at Paragraph 3.

In (a) and (b) of Paragraph 3 you give the general basis for your arrangements:

"(a) For the military leaders a sound basis for their strategic considerations, and

"(b) For the political leaders a clear picture of what may be achieved with the military means available at a given time."

RAEDER: Yes, it is quite obvious that such a plan would have this purpose.

SIR DAVID MAXWELL-FYFE: And that your political leaders were to make their plans on what armed forces you had available for war, if necessary. That was what you were contemplating then, was it not?

RAEDER: Yes, that is a matter of course; I reported to the Führer that I could put a certain military strength at his disposal during that year. The Chief of State must know that in order to know what he can count on. But that has nothing to do with plans for war. That is the case in every state. On the other hand, I cannot influence the political leader as to what he wants. I can only report what I could have. Therefore, I had nothing to do with political matters. I only did what is necessary and what is done in every state.

SIR DAVID MAXWELL-FYFE: And just look at Paragraph 7.

I am not going to argue with you as to whether states base their foreign politics on things other than war as a matter of argument, but look at Paragraph 7: "All theoretical and practical R-preparations (armament) are to be drawn up with a primary view to readiness for a sudden war."

That is that you, as far as the Navy was concerned, you had to be ready then for an immediate war footing, have the Navy on an immediate war footing, isn't that right?

RAEDER: No, no. This concerns the sequence of the things to be taken for granted. The armament plan listed the most important immediate requirements of the Navy and at that point I say here that this applied to weapons to be used in a war where there was no time to prepare and that is, in plain language, the mobile fleet, which must be in a state of constant readiness. It had to be kept ready for action at a moment's notice and it had to receive priority. All other matters, such as quarters, and things that had nothing to do with direct combat, were attended to afterwards.

SIR DAVID MAXWELL-FYFE: I thought that is what I put to you, that the fleet had to be ready and ready for war. However, you have given your account of it.

Just turn over, if you will be so good, to Page 66 of Document Book 10, Page 285 of the German document book, Document Number C-189, My Lord.

[Turning to the defendant.] Now, I want to raise just this one point on which you made a point in your examination and which I must challenge. You say in Paragraph 2:

> "The Commander-in-Chief of the Navy expresses the opinion that later on"—and I ask you to note the words "later on"—"the fleet must anyhow be developed against England and that therefore from 1936 onwards the large ships must be armed with 35 centimeter guns."

Now, are you telling the Tribunal, that "gegen England" does not mean "against" in the sense of in antagonism to, directed against, in opposition to—that it merely means in comparison to? Are you seriously saying that, are you?

RAEDER: I explained the other day that we are dealing here with the question of keeping up with other navies. Up to that time we were keeping up with the French Navy which had 33 cm guns. Then England went beyond that in mounting 35.6 cm guns on her ships and then, as I said before, France went beyond England in using 38 cm guns. Thus I said to the Führer that our 28 cm guns which we believed we could use against the French *Dunkerque* class would not be heavy enough, and that we would have to take the next bigger caliber, that is 35.6 like those of the English ships. That was never done because the French began to use 38 cm guns and our *Bismarck* class followed the French lines.

That comparison of calibers and classes of vessels was at that time quite customary and was also . . .

SIR DAVID MAXWELL-FYFE: You told us all that before and my question is a perfectly simple one; that this document in the original German, when you say "gegen England" is exactly the same as in your song *Wir fahren gegen England.* It means against, in antagonism and directed against, and not in comparison. That is what I am putting to you and it is a perfectly short point.

Are you telling this Tribunal that "gegen England" means in comparison with England?

RAEDER: That is what I want to say; because it says "develop gegen England" and at that time we had not even signed the Naval Agreement. It is hardly likely that I would consider following an anti-British policy.

SIR DAVID MAXWELL-FYFE: Look to the next page, Document Number C-190, Page 67 of the English document book, Page 284 of the German document book. That is your conversation with Hitler on the 2nd November 1934, when you are discussing bigger naval estimates and the availability of more money. I want you to look at the end of the first paragraph which gives Hitler's reasons.

"He considers it vital that the Navy be increased as planned"—now look—"as no war could be carried on if the Navy were not able to safeguard the ore imports from Scandinavia."

Are you still telling the Tribunal you were not from 1934 cnwards contemplating war? Well, if so, why does Hitler say that? That is one of the most vital points of German naval strategy.

"No war could be carried on if the Navy were not able to safeguard the ore imports from Sweden."

Were you not contemplating war in November? Were you not?

RAEDER: Hitler said that a navy is built so that, if war becomes necessary, the navy can use its weapons to defend the country. A navy is established for no other purpose, and that was definitely one of the general reasons for the existence of a German Navy. There were many people who thought a navy was unnecessary.

SIR DAVID MAXWELL-FYFE: You see, what I am putting to you is this. You have told the Tribunal that the Navy was purely defensive, all your preparations were purely defensive. I am suggesting to you that Hitler there is contemplating a war and contemplating the task of a navy during a war, a few months before he intended to denounce the military clauses of Versailles.

You were all set for a war if it should become necessary, and you knew that. Was that not the position?

RAEDER: That is a complete misrepresentation of the facts, Mr. Prosecutor. Of course it is necessary during peacetime to contemplate the circumstances which might arise to make it necessary to call on the Armed Forces for defense. At that time nobody thought of a war of aggression, and the individual tasks must be understood. One of the Navy's tasks was undoubtedly to secure the Swedish and Norwegian ore exports in case of war; and it had to be developed with a view to that end.

SIR DAVID MAXWELL-FYFE: Would you just look at the next sentence in Paragraph 2: "When I pointed out that in the critical political situation in the first quarter of 1935, it would be desirable to have six U-boats already assembled. . . ."

You were preparing for the critical political situation.

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Let's look at what you were doing in 1936. Would you give the defendant and Dr. Siemers Document Number D-806.

That is a report of yours dated the 11th of November 1936, dealing with the U-boat construction program, and after the first paragraph you say this in the second paragraph:

"The military and political situation urgently demands that the extension of our U-boat fleet should be taken in hand immediately and completed with the greatest energy and dispatch, as it is a particularly valuable part of our armament at sea and possesses special striking power."

Are you saying that what you were urging there was purely defensive and that you had no idea of the special striking powers that would be needed in a war?

RAEDER: The entire political situation, or so I seem to remember, made me consider it necessary to put the construction of submarines in the foreground. But I never expected that we would start a war on our own account. Hitler himself had told me that again and again, but he had made his political moves which could undoubtedly lead us into war if the other powers intervened against such a political move. The charge made against me was that I did not push the construction of U-boats sufficiently far ahead.

SIR DAVID MAXWELL-FYFE: You are stressing it sufficiently there, aren't you? "On the military and political situation"—you were kept fully informed of the political situation and were adjusting your naval armament accordingly; isn't that so?

RAEDER: At that time I not only knew nothing about what was going to happen, but I knew that we had occupied the Rhineland during that year, and that in consequence of the clouds which appeared on the horizon as a result of the occupation of the Rhineland Hitler maintained an attitude of greatest caution and said that we must be prepared for further complications. For that reason a special directive was issued in 1936, and I took precautions along the lines suggested by these considerations. My main duty was to watch; and on the basis of my observations and the conclusions which I drew from them, I had to strengthen myself as much as possible. This document, about which you did not question me, had the same connotation.

I asked whether—should political tension develop at the beginning of 1935, before the signing of the Naval Agreement, and that would not be done till June—we should perhaps assemble six U-boats. That was also in the case of tension arising; and I knew at that time that the declaration of freedom of territorial defense was intended to be made in 1935.

SIR DAVID MAXWELL-FYFE: Well, now, you have told us what you knew in 1936. Now, just let's pass on to 1937. I want to know exactly what you say. That of course, as you remember, turns on the Hossbach Document, 386-PS, which is at Page 81 of Document Book 10, Page 314 of the German document book.

THE PRESIDENT: Sir David, did you give the number of that last document?

SIR DAVID MAXWELL-FYFE: I am very grateful, My Lord. It is Exhibit GB-462.

[Turning to the defendant.] Now, I want you just—have you got that, Page 314 of the German document book?

RAEDER: Can you tell me the paragraph? I have . . .

SIR DAVID MAXWELL-FYFE: Yes, the first thing I want to ask you about is the third paragraph, the last sentence, where Hitler is reported as saying: "The German future is therefore dependent exclusively on the solution of the need for living space."

And then I wanted you, if you would be so good, to turn over two pages to 316. My Lord, it is Page 83 of the English document book. That is repeated. My Lord, it is about seven lines down. Where Hitler says: "The only way out, and one which may appear imaginary, is the securing of greater living space." And then he says that: "The history of all times has proved that every space expansion can only be effected by breaking resistance." And then in a separate paragraph he says: "The question for Germany is where the greatest possible conquest could be made at the lowest cost."

Do you see that, on Page 316?

RAEDER: May I begin with the last one? It is wrongly translated.

SIR DAVID MAXWELL-FYFE: Yes, that's what I'm really going to ask you. I want you to just tell us, did you hear Hitler say that that was the general problem, "the greatest possible conquest to be made at the lowest cost."

RAEDER: No. The English document has the word "conquest" (Eroberung), but that is not in the German document. The German text reads: "the highest possible gain (Gewinn) with the smallest risk." That is a phrase borrowed from sport. There is no mention of conquest.

SIR DAVID MAXWELL-FYFE: I'm quite prepared to accept that it comes after the passage which I have referred to you in quite some detail, because I don't want to select anything out of the context. Did you appreciate that Hitler there was saying, "The only possibility for Germany is to get extra living space," and that had to be got at the expense of other nations? He said that, didn't he?

RAEDER: He did say that; and I explained recently how that is to be understood. He was speaking of Austria and Czechoslovakia,

of the Sudetenland. We were of the opinion that no change was intended in that policy; nor did one take place later. War was not waged against Austria or Czechoslovakia.

We were all convinced that he would solve that question peacefully, like all other political questions. I explained that in great detail.

SIR DAVID MAXWELL-FYFE: Well, now, that is what I was going to ask you about. You have taken my second point yourself. The rest of the document deals with action against Austria and Czechoslovakia. Would you look at Page 86?

I think you will agree with me that Field Marshal Von Blomberg and General Von Fritsch rather poured cold water on Hitler's ideas. Isn't that a fair way of putting it?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: They rather thus showed a certain antipathy?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Now, that was in November 1937.

RAEDER: We all of us told him constantly that in no circumstances might he start a war with England and France, and he always agreed. But I explained that this entire speech had a definite purpose; and that for this purpose he exaggerated a great deal and at once withdrew that exaggeration when a hint was given to him about the danger of a war with France and England.

SIR DAVID MAXWELL-FYFE: That was what I was going to ask you. That was in November. By January, Field Marshal Von Blomberg had made his unfortunate marriage, hadn't he?

RAEDER: I believe it was in January. I do not know exactly.

SIR DAVID MAXWELL-FYFE: And you took the view, didn't you, that he had been encouraged to do that by the Defendant Göring?

RAEDER: I never said that.

SIR DAVID MAXWELL-FYFE: Oh, didn't you?

RAEDER: No, not that I know of. I never thought that at all.

SIR DAVID MAXWELL-FYFE: You remember making a statement in Moscow on this point? Let me read it to you.

RAEDER: To whom, please?

SIR DAVID MAXWELL-FYFE: In Moscow to the Russians.

"At the beginning of the year 1938 I had experiences of a personal nature, which although they did not concern the

Navy directly caused me to lose confidence, not only in Göring but also in the sincerity of the Führer. The situation in which Field Marshal Von Blomberg found himself as a result of his unfortunate marriage made his position as a Commander-in-Chief of the Armed Forces impossible. I came to the belated conclusion that Göring was making every effort to obtain the post of Commander-in-Chief of the Wehrmacht in place of Blomberg.

"He favored the marriage because it made Blomberg ineligible for this post, while Blomberg believed—and even stated repeatedly—that such a marriage was possible under the present system. Göring had already had him shadowed in the past, as I learned from later remarks."

Didn't you say that?

RAEDER: In Moscow, immediately after the collapse, I made a note of the causes of the collapse as seen in the light of my own experience. I wrote this document under the conditions there—where I was treated very chivalrously—and I had no hesitation in informing the highest general of the Commissariat of the Interior of this when I was asked what I was doing there.

SIR DAVID MAXWELL-FYFE: All I want to know is, is that true, what you said?

RAEDER: Yes. I wrote these notes, and it is also true that it occurred to me afterwards that Göring might have favored the marriage. I believe that he himself told me that here. He had assisted Blomberg in such a way that, I think, he did not know what the true state of affairs was or how serious the matter was.

SIR DAVID MAXWELL-FYFE: But you see, your view at that time was that Göring was encouraging the marriage because he knew that it would put Blomberg off the map as Commander-in-Chief because he, Göring, wanted the position. Was that the view that you held last summer?

RAEDER: I believed that last summer, yes. And it is also true that Göring certainly wanted to become Commander-in-Chief of the Armed Forces, but the Führer himself thwarted him in that.

SIR DAVID MAXWELL-FYFE: Now, that was Von Blomberg. We know what happened to him. Your second choice, after Von Blomberg, was Von Fritsch, was it not? You thought that Von Fritsch would have been the best Commander-in-Chief if Von Blomberg went, did you not?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: You mentioned that to Hitler? And . . .

RAEDER: He asked me, and I said that if I were consulted, I would suggest Baron von Fritsch. But the Führer said that that was out of the question.

SIR DAVID MAXWELL-FYFE: Yes. But there were some of them bringing a charge of homosexuality against Von Fritsch; isn't that right? That was why it could not be done?

RAEDER: Yes. He said, in general terms, that some kind of moral crime existed.

SIR DAVID MAXWELL-FYFE: You were one of the court who inquired into that charge, were you not? Göring, as president, you and General Von Brauchitsch?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: And you came to the conclusion that the charge of homosexuality against Von Fritsch was a frame-up by the Gestapo, did you not? Do you know what I mean? I am afraid "frame-up" is rather difficult to translate.

RAEDER: The whole thing gave me that impression. Yes.

SIR DAVID MAXWELL-FYFE: That is because the denunciation had been by some shady character who you thought was a "hang-around" of the Gestapo; and at the trial, the co-operation of the Gestapo with the accuser was brought to light; that is right, is it not?

You were satisfied, from sitting at the trial?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: And you agree that there had been—not a confusion—but that the guilty party was a cavalry captain, Rittmeister Von Fritsch, and not this general at all; isn't that right?

RAEDER: I agree absolutely. We acquitted Baron von Fritsch because his innocence was proved. There was no suspicion of any kind remaining against him.

SIR DAVID MAXWELL-FYFE: You acquitted him, but his reinstatement did not follow? His reinstatement in command did not follow?

RAEDER: No. I went to him, as I knew him very well, and asked him if he would agree to my going to Hitler and suggesting that he, Baron von Fritsch, be reinstated. But Fritsch replied that he considered that quite impossible. He thought that his authority was so much impaired that he would no longer care to resume his position as Commander-in-Chief of the Army.

After that, unfortunately, I could do no more about it. I reported this to the Führer, but there were no further developments. All

that happened was that the Führer confirmed the absolute innocence of Baron von Fritsch in a large assembly of generals and admirals.

SIR DAVID MAXWELL-FYFE: And did you say this with regard to the Von Fritsch incident:

"I was convinced that Göring had a hand in this well-prepared situation, since in order to attain his goal it was necessary to eliminate every possible successor to Von Blomberg"?

Do you remember saying that?

RAEDER: I do not remember that now; but I believe that I held that opinion. To be quite just, I must say that Baron von Fritsch's acquittal was due principally to the way in which Göring conducted the proceedings. The witness who was brought up told so many lies and made so many contradictory statements every few minutes, that only Göring could cope with him. After seeing that, I was very thankful that I had not been appointed president, as suggested by the Minister of Justice. I could not have coped with those people. It was entirely due to Göring's intervention that he was acquitted without any difficulties.

SIR DAVID MAXWELL-FYFE: But of course, I think you have said, Witness, that whether he was acquitted or not, the authority of Von Fritsch in the German Army was in his own view destroyed by the fact that this charge had been brought against him. That was the result of it, was it not?

RAEDER: Herr Von Fritsch thought so. I would have insisted on being reinstated after I had been acquitted in that manner.

SIR DAVID MAXWELL-FYFE: Did it not strike you as curious that the two people who on the 5th of November had tried to head Hitler off from a course that might have meant war were both disgraced in 2 months? Didn't it strike you as curious?

RAEDER: That did not strike me as curious at all; and there is certainly no connection. If Hitler had thought it necessary to remove the men in high positions who opposed him in such matters, he would have had to remove me long ago. But he never said anything about it to me, and I have never noticed that he said anything like that because I contradicted him. I have frequently pointed out, with regard to that very question of England and France, that no war should be caused there; and I never had the impression that he ever took it amiss.

SIR DAVID MAXWELL-FYFE: Now, just let us take it very shortly. Within 6 weeks of the disgrace of Blomberg and the removal of Von Fritsch, the Anschluss with Austria took place.

Are you telling the Tribunal that you did not know that there were pretended military preparations for the Anschluss with

Austria, the ones described by General Jodl in his diary and also described by Field Marshal Keitel? Did you know that these threats of military action would have been made?

RAEDER: I do not believe that I ever took part in a military discussion concerning the Austrian Anschluss, because actually I had nothing to do with it. But I should like to emphasize here, once and for all, that I learned of such enterprises as, for instance, the annexation of Austria through a directive issued by the Führer, and not before, because one copy of these directives, regardless of whether or not they concerned the Navy, was always sent to me as Commander-in-Chief of the Navy. So, of course, I must have received a directive in this case, too. Unfortunately, I cannot tell you the date of it; but I confirm that a directive came to my knowledge.

SIR DAVID MAXWELL-FYFE: You see, the point that I am putting—and I do not want to waste time on it—is this: That on the 5th of November Hitler said that he was going to get Austria in 1943 to 1945 at the latest, and earlier if an opportunity arises. Four months later, in March 1938, he takes Austria after having got rid of the people who threw cold water on his plans. But if you did not know about it, we shall not waste time, but shall look at Czechoslovakia, because there you did get the decree.

You will find that on Page 163 of Document Book 10a, Page 276 of the German document book. That is the distribution of the directive for operations against Czechoslovakia. It is bringing up to date the one of the 24th of June, and you will see that its execution must be assured as from the 1st of October 1938, at the latest, and Copy Number 2 goes to you as Commander-in-Chief of the Navy.

Now, if you will turn over the page to the actual directive, 146 of the English document book, 277 to 278, you see the first sentence of Paragraph 1, "Political Prerequisites":

> "It is my unalterable decision to smash Czechoslovakia by military action in the near future. It is the job of the political leaders to await or bring about the politically or militarily suitable moment."

RAEDER: May I ask where it is? I do not seem able to find it.

SIR DAVID MAXWELL-FYFE: The first sentence in the directive, Paragraph 1, Political Prerequisites—Sentence 1: "It is my unalterable decision to smash Czechoslovakia by military action in the near future."

RAEDER: The numbering is confused here.

SIR DAVID MAXWELL-FYFE: I am very sorry. Page 277, 278.

RAEDER: Yes. Now I have found it. What was the date?

SIR DAVID MAXWELL-FYFE: 28th of May 1938, that is approximately six months after the meeting which you had attended at which Hitler had said he would attack Czechoslovakia at the earliest opportunity that he could. Didn't that make you think that Hitler's speech in November was not merely froth but was stating his plans?

RAEDER: No, because he kept on changing his decisions all the summer. He made a fresh decision every month. That can be seen from Document 388-PS. And it was like this, I believe: on 10 September troops began to assemble and on the same day negotiations were started. On 1 October the peaceful occupation of the Sudetenland took place, after the other powers had agreed to that at Munich. After the Munich negotiations . . .

SIR DAVID MAXWELL-FYFE: We all know that. The point is perfectly clear . . .

RAEDER: I should like to finish.

SIR DAVID MAXWELL-FYFE: In May, here were the plans, and the Führer had mentioned—in his speeches he had expressed this: that it was his determination at the end of May to smash Czechoslovakia by military action. Are you telling the Tribunal that you read that directive and still took the view that Hitler had not got aggressive intentions? That is the question.

RAEDER: Yes, at the end of May.

SIR DAVID MAXWELL-FYFE: Why, what more proof could you want than his own determination to smash it? What clearer proof could you want?

RAEDER: He frequently said that he intended to smash something and then did not do it. The question was peacefully solved then. I should like to add that on 30 May—I believe that was the date—after mobilization had just been carried out in Czechoslovakia, and that had led him to use such stern words then, and from this—I think he was justified in doing so, for this mobilization could only be directed against Germany, and as I said, he changed his opinion at least three or four times in the course of the summer, saying again and again that he would reserve his decision and—or that he did not wish to use military force.

SIR DAVID MAXWELL-FYFE: Well, the Tribunal have gotten the whole of the 388-PS document in mind. I won't argue it. You say that didn't convince you.

When Hitler went into Prague on the 15th of March 1939, did it then occur to you that there might be something in what he said in the interview on the 5th of November 1937 when he occupied

the Slav part of Bohemia and Moravia and broke his own rule about keeping Germany for the Germans? Did it then occur to you that he might not then have been joking or merely talking froth in November? Did it?

RAEDER: He had issued a directive saying that the aims for that year were:

1) The defense of Germany against outside attack.

2) The settlement of the rest of Czechoslovakia in case she adopted a line of policy hostile to Germany.

I heard nothing at all about his negotiations with Hacha and his decision following them to occupy Czechoslovakia. I only knew that he wanted to take action against Czechoslovakia according to his directive, in case Czechoslovakia should adopt a line of policy hostile to Germany; and according to the propaganda at that period, that actually did occur. I had nothing at all to do with the occupation of Czechoslovakia; nor with the occupation of the Sudeten area, because the only service which we could have rendered in these operations was our small Danube Flotilla which was subordinated to the Army for this purpose so that I had nothing at all to do with it. There were no other military orders.

SIR DAVID MAXWELL-FYFE: It is your answer that even when Hitler went into Prague on the 15th of March 1939, you still thought he had no aggressive intentions? Is that what you want the Tribunal to believe from you? Is that right?

RAEDER: Yes, I ask the Tribunal to do so because I believe that he did not want to fight a war, to conduct a campaign against Czechoslovakia. By means of his political measures with Hacha he succeeded so far that war did not break out.

SIR DAVID MAXWELL-FYFE: Oh yes, you heard the Defendant Göring give his evidence that he told President Hacha that his armed forces would bomb Prague if he didn't agree. If that is not war, it is next door to it, isn't it?

RAEDER: It is very close to it. Yes, a threat.

SIR DAVID MAXWELL-FYFE: Well, let's go further on for another 2 months. If you didn't see it, on March—on the 23rd of May—when you came to the Reich Chancellery there were six high-ranking officers, of which you were one. And Hitler said that he would give you an indoctrination on the political situation. And his indoctrination was that, "We are left with a decision to attack Poland at the first opportunity." When you heard him say that on the 25th of May, did you still think he had no aggressive intentions?

RAEDER: I thought so for a long time after that. Just as Generaloberst Jodl said, since he had solved the Czech problem

by purely political means, it was to be hoped that he would be able to solve the Polish question also without bloodshed; and I believed that up to the last moment, up to 22 August.

SIR DAVID MAXWELL-FYFE: Just take one glance—I shan't keep you long—at Document L-79, which you will find on Page 74, I think it is, of Document Book 10. I am sorry. Page 298 of the German document book. I beg your pardon. I am not going to ask you about the document because the Tribunal has dealt with that. I want you to look at the people who were there—298 in the German document book.

RAEDER: I know the people who were there.

SIR DAVID MAXWELL-FYFE: Let's look: Lieutenant Colonel Schmundt; he was afterwards General, Hitler's principal adjutant, and killed on the 20th of July, 1944, isn't that right? Then the Defendant Göring, Commander-in-Chief of the Air Force; yourself as Commander-in-Chief of the Navy; Colonel General Von Brauchitsch who was Commander-in-Chief of the Army; General Keitel who was head of the OKW; General Milch who was Göring's Deputy; Halder who was Chief of Staff; Schniewind who was your Chief of Staff; and Jeschonnek who was I think a Chief of Staff or a high . . .

RAEDER: Chief of the General Staff of the Air Force.

SIR DAVID MAXWELL-FYFE: Yes. And Colonel Warlimont, who was General Jodl's assistant.

Now, what do you think Hitler got these high-ranking generals for, and told them, "We are left with a decision to attack Poland at the first opportunity," if he hadn't any aggressive intentions? What were these people there for if it wasn't to develop a war?

RAEDER: I have already explained that the main purpose of that speech, as may be seen from the last part of it, was to give a purely academic lecture on the conduct of war, and on the basis of that lecture to create a special study staff, a project which the chiefs of the Armed Forces had so far strongly opposed. I also explained at the start that his explanations were at first the most confused that I have ever heard regarding the matter, and that he issued no directives in regard to them but that the last lines read: "The branches of the Wehrmacht determine what will be built. There will be no alteration in the shipbuilding program. The armament programs are to be fixed for 1943 or 1944." When he said that, he could certainly not have intended to solve the Polish question by a war in the near future.

SIR DAVID MAXWELL-FYFE: Are you telling the Tribunal that when he said, "We cannot expect a repetition of the Czech affair; further successes cannot be obtained without the shedding

of blood," you paid no attention to it at all? You are seriously telling the Tribunal that you paid no attention to that?

RAEDER: No, I certainly did not at all, because by this time I was getting to know Hitler and was familiar with the exaggerations contained in his speeches.

SIR DAVID MAXWELL-FYFE: At this time you had already had the directives for a surprise attack on Danzig, in November 1938. You had had the directive on the 3rd of April for the Fall Weiss, and you know this whole matter was *en train.* Are you seriously, Defendant, telling the Tribunal that you had any doubt after the 23rd of May that Hitler intended war against Poland and was quite prepared to fight England and France, if they carried out their guarantee? I mean, seriously, I give you this chance before we adjourn: Do you say that you had any doubt at all?

RAEDER: Of course; I have surely explained that even in August I was still doubtful. For instance, in estimating this speech, I must compare it, as has already been done here, with the speech which Hitler had made a few weeks earlier at the launching of the *Bismarck,* where he spoke only of the peace of true justice. Those speeches were decisive for me. I did not base my conclusions on this particular speech which is reproduced in such an extremely confused manner; and that I proved by the fact that during the whole of the summer I never said a word to the Navy to suggest that war might break out in the autumn. Confirmation of that was given here; and anybody can give further confirmation. I thought very highly of Hitler's political ability and even on 22 August, when we were informed of the pact with Russia, I was still convinced that we should again be able to find a peaceful solution of the problem. That was my definite conviction. I may be accused of faulty judgment, but I thought I had formed a correct estimate of Hitler.

SIR DAVID MAXWELL-FYFE: Now, I understand you to say that even on the 22nd of August you didn't think that Hitler had any aggressive intentions. Do you really mean that?

RAEDER: Yes, and there is a perfectly good reason for it, because there was every prospect of our forming an alliance with Russia. He had given all sorts of reasons why England and France would not intervene; and all those who were assembled there drew from that the sincere hope that he would again be successful in getting out of the affair without fighting.

SIR DAVID MAXWELL-FYFE: Will this be a convenient time to adjourn, My Lord?

[The Tribunal recessed until 1400 hours.]

Afternoon Session

SIR DAVID MAXWELL-FYFE: My Lord, I am most anxious not to take up unnecessary time. With regard to the meeting of the 22d of August, Your Lordship may remember that Dr. Siemers raised a point as to the two accounts of the meeting, one in Documents 1014-PS and 798-PS and the other in the account by Admiral Böhm. I have had a comparison made out in English and German showing the points which are similar to both, and I thought it would be more convenient just to put that in. Let Dr. Siemers see the German copy and make any suggestion at the appropriate time rather than spend any time in cross-examining the witness as to any differences in the accounts. My Lord, with the permission of the Tribunal, I will put that in now and hand Dr. Siemers a copy so that he can draw the Tribunal's attention to any points at a convenient stage.

THE PRESIDENT: Did not Admiral Böhm make the accounts?

SIR DAVID MAXWELL-FYFE: My Lord, the Prosecution's account is in two documents, 798-PS and 1014-PS.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: There was another document which was mentioned by my friend, Mr. Alderman, but not put in. It was an account by a journalist which was the first account the Prosecution had had, but when they got the two accounts from the OKW files, they did not use their first one; so I had only taken the two accounts from the OKW files and Admiral Böhm's account.

THE PRESIDENT: Yes. But does not that make three documents in all, apart from the one which has been left out?

SIR DAVID MAXWELL-FYFE: Yes, My Lord, and I have taken each of the two and compared it with Admiral Böhm's.

THE PRESIDENT: Very well.

SIR DAVID MAXWELL-FYFE: So, on that I shall not pursue this interview. I thought that it would save time.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: Now, I'd like you, therefore, Defendant, to look at Document Number 789-PS, which is at Page 261 of Book 10a and Pages 438 to 440 of the German book—438 to 440. This is the note, Defendant, of a conference on the 23d of November 1939 with Hitler, to which all Supreme Commanders were ordered. Do you see that at the beginning, Pages 438 to 440? Do you see what it says, "to which all Supreme Commanders are ordered"? Were you present?

RAEDER: Yes, it is the conference during the war on 23 November 1939.

SIR DAVID MAXWELL-FYFE: Yes. Were you present?

RAEDER: I was present.

SIR DAVID MAXWELL-FYFE: Who were the other commanders-in-chief who were present?

RAEDER: The commanders-in-chief of the Army, the Air Force, and a considerable number of generals of the Army.

SIR DAVID MAXWELL-FYFE: The "Oberbefehlshaber"?

RAEDER: Yes, but in the Army . . .

SIR DAVID MAXWELL-FYFE: Yes. Now, I want you to look at a passage. The paragraph begins: "One year later, Austria came. This step also was considered very hazardous."

Do you see that? Do you see that paragraph?

RAEDER: Yes, I have got it.

SIR DAVID MAXWELL-FYFE: Much obliged. Now, I just want you to look at the next few sentences.

> "It brought about a considerable strengthening of the Reich. The next step was Bohemia, Moravia, and Poland. But this step was not to be accomplished in one move. First of all, the West Wall had to be finished in the West. It was not possible to reach the goal in one bound. It was clear to me from the first moment that I could not be satisfied with the Sudeten-German territory. It was only a partial solution. The decision to march into Bohemia was made. Then followed the establishment of the Protectorate and with that the basis for the conquest of Poland was laid, but I was not yet clear at that time whether I should start first against the East and then against the West or vice-versa. Moltke often had to ponder over the same things in his time. Of necessity it came to a fight with Poland first. I shall be accused of wanting to fight and fight again; in struggle I see the fate of all beings. Nobody can avoid a struggle if he does not want to go under. The increasing population requires a larger living space. My goal was to create a logical relation between the population and the living space."

Whatever you had understood up to that time, you appreciated then, that Hitler himself had had a consistent and clear aim of aggression throughout these matters that I put to you this morning; did you not?

RAEDER: Yes, but now we were already in the middle of a war and he was looking at these things retrospectively. Also, he wanted

to make it clear to the generals, with whom he had a conflict at that time, that he had always been right in his political conceptions. That is the reason why he quoted all these detailed points again.

SIR DAVID MAXWELL-FYFE: Well, now, would you turn over to Pages 445-448, which is Page 264 of the English document book, German document book Pages 445-448. Have you got that?

RAEDER: Perhaps you would be good enough to read, I have here a . . .

SIR DAVID MAXWELL-FYFE: It is the paragraph that begins: "We have an Achilles heel: The Ruhr."

RAEDER: I have it.

SIR DAVID MAXWELL-FYFE: Would you look about halfway down that paragraph. You will see: "England cannot live without its imports. We can feed ourselves. The permanent sowing of mines off the English coasts will bring England to her knees."

Have you got that passage?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Thank you. Now, if you would just listen.

> "However, this"—that is bringing England to her knees—"can only occur when we have occupied Belgium and Holland. It is a difficult decision for me. Nobody has ever achieved what I have achieved. My life is of no importance in all this. I have led the German people to a great height, even if the world does hate us now. I am setting this work at stake. I have to choose between victory or destruction. I choose victory, the greatest historical choice—to be compared with the decision of Frederick the Great before the first Silesian War. Prussia owes its rise to the heroism of one man."

And there is some more about Frederick the Great and Bismarck:

> "My decision is unchangeable. I shall attack France and England at the most favorable and quickest moment. Violation of the neutrality of Belgium and Holland is unimportant. No one will question that when we have won. We shall not give such idiotic reasons for the violation of neutrality as were given in 1914. If we do not violate the neutrality, then England and France will. Without attack the war is not to be ended victoriously."

Now, do you remember, Defendant, that this was just 3 weeks after the plans for "Fall Gelb," that is plans for the attack on Holland and Belgium, had been issued on 10 November? Do you remember that?

RAEDER: I know that this was discussed here. But we were already at war with England, therefore at that stage it was no longer necessary to discuss an attack against England and France and . . .

SIR DAVID MAXWELL-FYFE: You were not at war with Holland and Belgium, were you?

RAEDER: Please, I would like to finish.

SIR DAVID MAXWELL-FYFE: I am sorry, I thought you had finished.

RAEDER: Here it says: "If the French Army marches into Belgium to attack us, then it will be too late for us. We must be first."

Hitler at that time stated that he had received definite news that Belgium would not respect her neutrality and that he also had news already that certain preparations for the reception of French and British troops *et cetera* had already been made. For that reason, he wanted to forestall an attack from Belgium against us. Apart from that, in his speech of 22 August 1939, he had made a statement entirely to the opposite effect. He had said that Belgium and Holland would not break their neutrality.

SIR DAVID MAXWELL-FYFE: Did you agree with what he said, that the "Violation of the neutrality of Belgium and Holland is unimportant. No one will question that when we have won." Did you agree with that view?

RAEDER: No, it is not exactly my opinion, but I had no cause on my part to raise any objection against that statement of his at that moment.

SIR DAVID MAXWELL-FYFE: The view of the Naval War Command was put up to him a month later with regard to U-boat warfare, was it not? Do you remember that on 30th December you had a meeting with Hitler, at which Colonel General Keitel and Fregattenkapitän Von Puttkamer were present?

RAEDER: Yes, I was with him on 30 December.

SIR DAVID MAXWELL-FYFE: I would like you to look at the new document, which is Document Number C-100, Exhibit Number GB-463.

THE PRESIDENT: Sir David, ought not this document be identified?

SIR DAVID MAXWELL-FYFE: Your Lordship, of course, is right. I think we had perhaps better give them two numbers, one for each of the original PS documents. My Lord, the comparison . . .

THE PRESIDENT: 1014-PS has a number already, has it not?

SIR DAVID MAXWELL-FYFE: Yes, My Lord. That has a number.

THE PRESIDENT: I thought perhaps the comparative document ought to have a number.

SIR DAVID MAXWELL-FYFE: Certainly. Shall we call one comparison Exhibit Number GB-464, the comparison of Document Number 798-PS; and the comparison of Document Number 1014-PS, Exhibit Number GB-465?

THE PRESIDENT: I have only got one here, as far as I can see.

SIR DAVID MAXWELL-FYFE: My Lord, I am going to get some more done. I am afraid I have passed out only a limited number at the moment, but I will have some more run off.

464, 798; GB-465 will be 1014-PS. It will be the comparison of Document Number 798-PS with the Raeder Document, and Exhibit Number GB-465 will be the comparison of Document Number 1014-PS in the Raeder document book.

I am very much obliged to Your Lordship.

THE PRESIDENT: Now you are going to give us Document Number C-100?

SIR DAVID MAXWELL-FYFE: C-100, My Lord, yes.

Defendant, I will be grateful if you will turn over a few pages to where it comes to a report, the date of 30 December 1939, and then after that there is an enclosure to the report to the Führer of 30 December 1939.

Would you look at Paragraph IV, which says:

"With regard to the form and the moment for the commencement of further intensification of the war at sea, the decision of the supreme war command to begin the general intensification of the war with an offensive in the West is of decisive importance."

Have you got that, Paragraph IV?

RAEDER: Page?

SIR DAVID MAXWELL-FYFE: I am afraid the paging is different.

RAEDER: "With regard to the form"—yes.

SIR DAVID MAXWELL-FYFE: "With regard to the form and the moment for the commencement of further intensification of the war at sea, the decision of the supreme war command to begin the general intensification of the war with an offensive in the West is of decisive importance.

"I. Possibility: The decision of the Führer is made in favor of a Western offensive, beginning very shortly, within the framework of the instructions issued for this to date, by violating the neutrality of other states:

"In this case the intensified measures for the war at sea will in their political effect only represent a small part of the entire intensification of the war. The gradual change-over to the intensified form of waging the war at sea within the American restricted zone, with the ultimate aim of a ruthless employment of all means of warfare to interrupt all commerce with England, is therefore proposed with the start of the offensive.

"Immediate anticipation of individual intensified measures for the war at sea is not necessary and may be postponed until the start of the general intensification of the war. The benevolent neutrals Italy, Spain, Japan and Russia as well as America, are to be spared as far as possible."

Isn't that right, that you contemplated that Hitler's violation of the neutrality of the Low Countries would cover, by being a more important matter, your adopting the most ruthless methods of war at sea? Isn't that right?

RAEDER: No.

SIR DAVID MAXWELL-FYFE: What does that mean if it does not mean that? What does that mean if it does not mean what I have put to you?

RAEDER: With the beginning of the offensive in the West, Hitler also wanted a certain more energetic pursuit of the war at sea. For that reason, he asked me to introduce only at this point the intensified measures which I considered already justified because of the attitude of the British forces. These intensifications were very carefully considered in that memorandum, and they followed step by step the different steps taken by Britain.

SIR DAVID MAXWELL-FYFE: I will deal with the memorandum. You need not be afraid that I will omit that, but what I am putting to you at the moment is this: That so far from disapproving of the violation of the neutrality of Holland and Belgium, you on behalf of the Navy were quite prepared to accompany it by the intensification of submarine warfare; isn't that right?

RAEDER: That is twisting my words. I had nothing to do with this violation of neutrality for we were not there when they marched into these two countries. The only thing I was interested in was to intensify the submarine war step by step, so as to meet the measures introduced by the British, which also violated international law.

SIR DAVID MAXWELL-FYFE: I am going to come to submarine warfare, but at the moment I want to try to keep in compartments. There are only two more points on this aggressive war. I am now going to pass—you can leave that document for the moment. I will come back to it, Defendant; you need not be afraid, and I want you to help me on one or two points in Norway.

With regard to Norway, you were quite content to leave Norway neutral, not occupied, so long as you had a protected channel up the Norwegian coast in neutral waters, is that right? That was an important point for you, to have a channel in neutral waters so that not only your ships, but also your submarines, could go up and start out from neutral waters, is that right?

RAEDER: No, I have very clearly explained the origin of the Norwegian campaign in documents. There was the danger that the British might occupy Norway, and information of all sorts indicated that. Of course, if we were forced to occupy the Norwegian coast, then, apart from all the numerous disadvantages which I have explained, we had the advantage that we would gain this or that base for our Atlantic submarines.

SIR DAVID MAXWELL-FYFE: Are you telling the Tribunal that the Navy seriously thought that the British wanted to occupy Norway?

RAEDER: I most certainly thought that. We had so much information about it that I could have no doubt whatever, and it was fully confirmed later on.

SIR DAVID MAXWELL-FYFE: I just ask you, then, to look at just one or two typical Navy reports. We won't refer to the document again, but we will start from there, just to get the time.

You remember, on the 13th of March 1940, General Jodl entered in his diary that the Führer was still looking for justification; do you remember that? You remember that, don't you?

RAEDER: I have already explained once that the expression just used, "justification," is wrong, wrongly translated, Jodl wrote "Begründung," "reason." But that is also wrong—please will you let me finish—even that is incorrect, because the Führer had an abundance of reasons, which he laid down in the instruction issued on the 1st of March, and it was known to all of us. I have said that by the expression "Begründung," "reason," he probably meant that he had not yet had a diplomatic note compiled. He had not told the Foreign Minister anything about it at that stage. I told you that recently under oath and I repeat it under oath today.

SIR DAVID MAXWELL-FYFE: I see. That is the meaning that you have given to it. Well now, will you look at your own Raeder Exhibit Number 81, in Raeder Document Book 5, Page 376.

RAEDER: May I have Document Book 5?

SIR DAVID MAXWELL-FYFE: Oh, you have not got it. I'm sorry. I will get you one.

Now, that is dealing with the first point, encroachment by the English into Norwegian territorial waters, and it says:

> "An examination of the question as to whether a mass encroachment by the English into the Norwegian territorial waters was so immediately imminent that it might represent a danger to present German shipping produces the opinion that this is not to be expected at the present time. The ore transports are to be continued, as no losses have yet occurred."

Was that your information, that no mass encroachment of Norwegian territorial waters was to be expected on the 22d of March?

RAEDER: That was not at all my conception. It was the view of Kapitän zur See Fricke, who was at that time the Chief of the Operations Department. He did not quite agree with me about the whole of this question. He was of the opinion that the British should be allowed to enter Norway first, and then we should throw them out through Sweden, a completely distorted idea which I could not approve of in any way. I had such clear information from Quisling and Hagelin, particularly at that time, the second half of March, that there was no longer any doubt whatever that within a reasonable time the British would intervene on a big scale.

SIR DAVID MAXWELL-FYFE: You say that that was Admiral Fricke's view, and you didn't pay attention to it. Well, now, let me look . . .

RAEDER: I did not concern myself with it.

SIR DAVID MAXWELL-FYFE: You know, Admiral Assmann, whom you have described as a sound historian, kept a headline diary, and on the next day he gives an account of a meeting between you and Hitler, and he says this. This is the same day. You may have read it, because he turns down your proposal to use U-boats off Halifax. It is the same day, the 23d of February. Then, at that date, you are quoted as saying that to insure the supply of ore from Narvik, it would be best to preserve the neutrality of Norway.

Then, on the 26th of March, Admiral Assmann in his report of the meeting between you and Hitler records your answers as follows. It is quite short: "British landing in Norway not considered imminent—Raeder suggests action by us at the next new moon—to which Hitler agrees."

That is Admiral Assmann's report of the meeting between you and Hitler on the 26th of March: "British landing in Norway not

considered imminent—Raeder suggests action by us at the next new moon, the 7th of April—to which Hitler agrees."

Do you remember that?

RAEDER: No. I mean, it is quite improbable that at that moment I should not have been fully convinced of the imminent landing about which the whole of Documents 004-PS and 007-PS gave me reliable information. I did not see the documents, but the information contained in them was fully available.

Admiral Assmann compiled his notes from all sorts of war diaries and records. I most certainly never said that because at that time I reported to Hitler again and again that our preparations which had already been started a time ago would be complete at the end of January, and that that would be the time when the landings had to be carried out for the reasons I always put forward. It is completely wrong to assume that at that time I had the slightest doubt. Later everything was proved right...

SIR DAVID MAXWELL-FYFE: Well, now really we must...

RAEDER: And later on, it all turned out to be correct.

SIR DAVID MAXWELL-FYFE: We must get down to this matter. You have told us that Admiral Assmann was a trustworthy officer and good at naval history.

RAEDER: He is not a deceiver, but he compiled the document from all sorts of papers and I cannot imagine how he could have arrived at that statement, I certainly never made it.

SIR DAVID MAXWELL-FYFE: Well, but the second part of it, the second sentence, is right, isn't it? "Raeder suggests action by us at the next new moon, the 7th of April."

That is right; that is when you did invade. That was when your armada started off to arrive there on the 9th, wasn't it?

RAEDER: But yes, of course. I was in favor of carrying out the landings in Norway at the earliest possible time, after ice conditions had improved, as we had previously decided and as had been ordered by Hitler. For that I assume full responsibility. There was every reason for that.

SIR DAVID MAXWELL-FYFE: Well. Again I mustn't argue with you, but the point comes to this, that you are saying that Admiral Assmann, who is right in his second sentence, is not only wrong but entirely wrong—I mean, stating the opposite of the truth —when he says that the British landing in Norway was not considered imminent.

Well now, we will just pursue that a little.

RAEDER: I only submitted to the Führer this matter of landing in Norway on the supposition that this information was available and would continue to be available.

THE PRESIDENT: Sir David, what was that document of the 26th of March 1940?

SIR DAVID MAXWELL-FYFE: That was an extract from the Assmann Diary which I have used before, and I will have one made up and put in for identification. I haven't got it copied yet, My Lord, I am sorry. I shall have it done.

RAEDER: I should be grateful if perhaps you could show me the document. You have shown me all the others, but not this one, the one I contest.

SIR DAVID MAXWELL-FYFE: I beg your pardon. It is such a short extract I thought you would take it from me, but the last thing I want is not to show you any documents.

You see the entry for the 26th of March:

"British landing in Norway not considered imminent. Raeder suggests action by us at next new moon, 7th of April, to which Hitler agrees. Further discussions about laying of mines at Scapa before German invasion of Norway. Hitler agrees with Raeder and will issue instructions accordingly."

RAEDER: May I come back to it now. Here it says, the 26th of March 1940: "Occupation of Norway by British was imminent when the Russian-Finnish peace was concluded."

That very Russian-Finnish affair was making it particularly urgent for us to carry out a landing because the danger existed that the British, under the pretext of supporting the Finns, would carry out a bloodless occupation of Norway.

Then I go on to the question of the Führer, whether a landing by the British in Norway might be imminent. One must consider that Assmann had summarized all that from war diaries, and this question is explained by the fact that the Führer wanted to know whether the situation had changed in any way, because the peace had been signed. However, the situation had not changed at all, because we knew in reality that the landings by the British were not to be carried out to help the Finns, but for other reasons. That question, therefore, whether at the time, because of the peace treaty, the British landings might be particularly imminent, was answered by me in the negative. Commander-in-Chief Navy suggests action by us at next new moon, 7th April—Führer agrees. Everything remained as before. Only the question whether because of this peace treaty we ought to land at once, I answered "no." That is completely different from what you have been telling me.

SIR DAVID MAXWELL-FYFE: You read out the entry for the 26th of March. What is the entry for the 26th of March? You read it out in German and we can translate it.

RAEDER: "Occupation of Norway by the British was imminent when the Russian-Finnish peace treaty was signed. Apparently, because of the treaty, it was postponed. Question by the Führer, whether at that moment a landing by the British in Norway was imminent, was answered in the negative by the Commander-in-Chief Navy. . . ."

Yes, that did not mean that because of that we had to renounce the idea.

"Commander-in-Chief Navy suggests action by us at next new moon." The reasons for our landing remained the same as before; only the Finnish business could no longer be used by the British.

SIR DAVID MAXWELL-FYFE: The peace treaty, the end of the war with Finland, had taken place in the middle of March. That was off the map at that time?

RAEDER: Of course, it was no longer important for us, but our reasons remained as before.

SIR DAVID MAXWELL-FYFE: Well now, will you look at Document Number D-843. This will be Exhibit Number GB-466. This is a report from your diplomatic representative in Norway, dated the 29th of March, and at the end of the first paragraph you will see:

"The British apparently did not want to take upon themselves the responsibility for openly violating Norwegian territory and Norwegian territorial waters without cause, and for carrying out warlike operations in them."

That is a quotation from the Norwegian Foreign Minister. Then your diplomatic representative takes it up:

"The future will show whether Foreign Minister Koht sees things quite right. It definitely appears, however, as I"—that's the German Foreign Minister's representative—"have frequently pointed out, that the British have no intentions of landing, but that they want to disturb shipping in Norwegian territorial waters perhaps, as Koht thinks, in order to provoke Germany. Of course, it is also possible that the British behavior of last week, which I have pointed out as well, will grow into more or less regular and increasing interference in territorial waters to attack our ore traffic off the Norwegian coast."

And then Paragraph 3:

"The firm intention of Norway to maintain her neutrality and to insure that Norway's neutrality rules be respected can be accepted as a fact."

Were you told that your diplomatic representative in Oslo was reporting that the British had no intentions of landing?

RAEDER: Yes. Dr. Breuer, the Minister to Norway, held a completely wrong view. He believed Foreign Minister Koht's assurances even though our naval attaché kept reporting that Koht was completely on the side of the British and his assurances were not to be believed. At the same time, information had been received from Hagelin that the Norwegians were giving assurances on paper but they themselves had said that they were doing that only as subterfuge and that they would continue to co-operate with the British. That is contained in the documents which we have submitted.

SIR DAVID MAXWELL-FYFE: Let us look at another document. Look at Document Number D-844. This is what your diplomatic representative in Sweden was saying at the same time. That will be Exhibit Number GB-467, that is from your representative in Sweden and you will notice that he quotes Foreign Minister Guenther of Sweden, as first of all—about ten lines down, just after the name of "Weizsäcker," you will see:

"The Swedish Government had no reason at all to believe in an impending action by the Western Powers against Scandinavia. On the contrary, on the strength of all official reports and other information, they considered the situation lately to be much calmer."

And then he says there is no prospect of a coup against Swedish ore. Then he goes on to deal with Norway. Without being Anglophile, Guenther did not believe in a British act of war against Norway either, but, of course, he could not speak of this with as much certainty as with regard to Sweden. At any rate, however, the Norwegian Government, with whom he was in close contact, was of the same opinion. And if you look two paragraphs farther on, it says:

"In conclusion, Guenther requested me to report his statements to my government, and repeated that the Swedish Government attached the greatest value to the German Government not erroneously getting the impression of the existence of circumstances which might evoke the possibility —he would not use the word necessity at all—of special measures by Germany with regard to Scandinavia."

And then he says in the last paragraph that the Swedish Foreign Minister had probably heard of the German preparations.

Now, would you look at Document Number D-845 which will be Exhibit Number GB-468—that is the next day—from your diplomatic representative in Stockholm:

"Serious anxiety exists in Swedish military and government circles regarding possible German military preventive measures in Scandinavia against the announced intensification of war measures by the Western Powers. Swedish and Norwegian military and government authorities consider it unlikely that military measures will be taken against Scandinavia by the Western Powers. Press reports on this subject by the Western Powers are attempting to provoke Germany."

That is from your military attaché in Stockholm. Were you told about these reports from Stockholm, were you told of that?

RAEDER: I assume the Führer told me this. But we had no reason at all to believe these assurances because obviously, quite obviously, Sweden had considerable interest in our not going to Norway, because Sweden believed that by so doing we would be able to exercise pressure on Sweden also. That was what the British wanted, according to the information we received later. Our minister was completely misinformed and as a result was not informed by us because it was known that he sided with Foreign Minister Koht. Our information was so clear, so frequent and so unequivocal, that we could certainly carry out our landing with a clear conscience and in fact this proved to be true. Therefore, there is no point in discussing whether the order on the part of the British to land in Norway—it was Trondheim, Stavanger and, I believed, Kristiansand—whether this order was given on 5 April. On the 7th, during the night of the 7th to 8th, as the British reported in a wireless message, the mine-laying in Norwegian waters was completed by British ships and on the 7th, troops were shipped on cruisers, the names of which I forget.

Therefore, this actually took place and my conception was correct and not Herr Breuer's who was dismissed immediately after this because he was a failure. Thereupon, we carried out the landings on the strength of quite positive information which we can prove in detail. Sweden's action is thoroughly understandable.

SIR DAVID MAXWELL-FYFE: I am not going to argue with you although you ought to know and I think you do know that there was no British order for an invasion at all; there was an order for laying mines; but you took this course as I suggested, you, knowing quite well that no British invasion was imminent, contrary to your own Chief of Operations, Captain Fricke, and contrary to all the information from your diplomatic representatives in Norway. Now, I want to come to another point with regard to Norway and

then I am finished with that. You told the Tribunal that in your view, using the enemy's colors was a permissible *ruse de guerre* so long as you stopped before you went into action. Do you remember saying that?

RAEDER: I did not understand.

SIR DAVID MAXWELL-FYFE: Do you remember telling the Tribunal that morning that using the enemy's colors on a warship was a permissible *ruse de guerre* so long as you stopped before you went into action. Do you remember saying that?

RAEDER: Yes; of course, that is the principle which is absolutely recognized in naval warfare, that at the moment of firing you have to raise your own flag.

SIR DAVID MAXWELL-FYFE: Are you telling the Tribunal that it is a recognized procedure in naval warfare to use another country's colors in making an attack on a neutral country, an unannounced attack on a neutral country? There was no war between you and Norway and there was no reason for there to be any ruse. You were at peace with Norway. Are you saying that?

RAEDER: It was all a question of pulling down the flag and raising the German flag if we met the British. We did not want to fight with the Norwegians at all. It says somewhere that we should first of all try to effect a peaceful occupation.

SIR DAVID MAXWELL-FYFE: Can you give me a precedent even where the German Navy, before this operation, had ever attacked a neutral country with which it was at peace, using enemy colors? You tell me when you did it before?

RAEDER: I do not know. I cannot tell you whether any other navy did it. I have . . .

SIR DAVID MAXWELL-FYFE: You can assume any other navy—I even ask—have you ever done it?

RAEDER: No, we have not done it and apart from that, we did not do it because on 8 April, we gave the order by wireless—and you know from our War Diary—that this should not be done, so it is quite useless to talk here about what might have been done if it has not been done.

SIR DAVID MAXWELL-FYFE: I wanted to get clear on what your views on the permissibility of naval warfare were. I want to come to one other point, and then I am finished with this section of the case. With regard to the attack on the Soviet Union, I am not going to ask you about all your own views and what you said to Hitler, because you told us that at length; but I would just like you to look at Document Book 10a, Page 252 of the English book and Page 424 of the German book.

RAEDER: Which document is it, please?

SIR DAVID MAXWELL-FYFE: The big one.

RAEDER: I have not got that.

SIR DAVID MAXWELL-FYFE: Document Number 447-PS.

I am so sorry, My Lord, this is entirely my fault. I beg the Tribunal's pardon. I have given the wrong reference. I really wanted him to look at Page 59 in Document Book 10, Document Number C-170. I am very sorry, My Lord.

[Turning to the defendant.] Now, that is the extract from the Naval War Diary, the one that I want you to look at is on Page 59, for the 15th of June. "On the proposal of the Naval Operations Staff (SKL) the use of arms against Russian submarines south of the northern boundary of Öland warning area . . ."

Have you got it?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: ". . . is permitted immediately, and ruthless destruction is to be aimed at."

Now, would you mind, before I ask you a question, turning back to Document Number C-38, which is on Page 11, which is Page 19 of your own document book, German document book, Document Number C-38; Page 11 of the British document book, and Page 19 of the German. That is an order of the same date, signed by Defendant Keitel, to the Commander-in-Chief of the Navy.

> "Offensive action against submarines south of the line Memel to the southern tip of Öland is authorized if the boats cannot be definitely identified as Swedish during the approach by German naval forces. The reason to be given up to 'B' Day"—that is Barbarossa—"is that our naval forces are believed to be dealing with penetrating British submarines."

Why did you suggest that you should attack the Soviet submarines 6 days before your own invasion when they wouldn't be expecting any attack and there was no question of any war?

RAEDER: As it has already been explained once here, it had happened just before, that is before the 15th of June, that a submarine had penetrated into the area of Bornholm, which is a long way to the west, and then had given wrong recognition signals when the patrol boat near Bornholm called it. If the wrong recognition signals are given, then it means that it could not be a German submarine but it must be a foreign one. In this case, the course of the ship and the location would bring us to the conclusion that it must be a Russian boat. Apart from that, Russian submarines at that time had repeatedly been located and reported off German ports—Memel, for instance, and others. Consequently, we had the

impression that Russian submarines were already occupying positions outside German ports, either to lay mines or to attack merchant or warships. For that reason, as a precaution, I had to report this and I had to propose that we should take action against non-German submarines in these areas outside German ports. That suggestion was passed on the same day and this additional statement was made, which, in my opinion, was not necessary at all, but which prevented complications from arising.

SIR DAVID MAXWELL-FYFE: That is still not an answer to my question. I will put it this way. You considered it right to attack and urge the ruthless destruction of Soviet submarines 6 days before you attacked the Soviet Union? You consider that right? And then, to blame it on penetrating British submarines—this is Keitel's suggestion—is that your view of proper warfare?

RAEDER: Well, I consider the first point right because it is always important to get in before one's opponent, and this was happening under certain definite conditions. The second point was ordered by the Führer. Neither of the two points was ever carried out, and therefore it is useless, in my opinion, to discuss this matter.

SIR DAVID MAXWELL-FYFE: That is something for the Tribunal, and I will decide what is useful to discuss.

Do I take it, then, that you entirely approve of attacking Soviet submarines and ruthlessly destroying them 6 days before you start the war? That is what the Tribunal is to understand, is it?

RAEDER: Yes, if they appeared in our waters to reconnoiter or to carry out some other war action, then I considered it right. I considered that better than that our ships should run into Russian mines.

SIR DAVID MAXWELL-FYFE: Well now, let us just come, for a short time, to your views on U-boat warfare. Do you remember the document which I put to the Defendant Dönitz about the memorandum of the Foreign Office, Document Number D-851, which became Exhibit Number GB-451?

RAEDER: I have it before me.

SIR DAVID MAXWELL-FYFE: Right. Well, I will ask about that in a moment. This is what you said about it when you were answering Dr. Kranzbühler, I think on Saturday. You said:

> "Since the war against England came as a complete surprise to us, we had up until then dealt very little with detailed questions of submarine warfare. Among other things, we had not yet discussed the question of so-called unrestricted submarine warfare which had played such a very important part in the previous war. And from that fact it developed that on 3 September, that officer who was recently mentioned here

was sent to the Foreign Office with some points for discussion on the question of unrestricted submarine warfare, so that we could clarify with the Foreign Office the question as to how far we could go."

Now, do you think that is . . .

RAEDER: So far as I can recollect, that is the way it happened. Unrestricted warfare had not been considered.

SIR DAVID MAXWELL-FYFE: Have you got the document in front of you?

RAEDER: You mean the one regarding the Foreign Office, Document Number D-851?

SIR DAVID MAXWELL-FYFE: Dönitz 851, yes.

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: I don't think this is in any copy, My Lord. Has Your Lordship a copy?

THE PRESIDENT: No, I don't think so.

SIR DAVID MAXWELL-FYFE: My Lord, I did put it in when I was cross-examining the Defendant Dönitz.

THE PRESIDENT: It is very likely with our Dönitz papers.

SIR DAVID MAXWELL-FYFE: Perhaps Your Lordship will allow me to just read it slowly, for the moment. The document says this:

"The question of an unrestricted U-boat warfare against England is discussed in the enclosed data submitted by the High Command of the Navy.

"The Navy has arrived at the conclusion that the maximum damage to England which can be achieved with the forces available can only be attained if the U-boats are permitted an unrestricted use of arms without warning against enemy and neutral shipping in the prohibited area indicated on the enclosed map. The Navy does not fail to realize that:

"(a) Germany would thereby publicly disregard the agreement of 1936 regarding the conduct of economic war.

"(b) Conduct of the war on these lines could not be justified on the basis of the hitherto generally accepted principles of international law."

Then, I ought to read this, or point it out. I have dealt with it before, it is the second last paragraph:

"Points of view based on foreign politics would favor using the method of unrestricted U-boat warfare only if England

gives us a justification by her method of waging war to order this form of warfare as a reprisal."

[Turning to the defendant.] Now, I want you to take it by stages. You see the paragraph that says:

"The Navy has arrived at the conclusion that the maximum damage to England which can be achieved with the forces available can only be attained if U-boats are permitted an unrestricted use of arms without warning in the area. . . ."

Is that your view? Was that your view on the 3d of September?

RAEDER: No, it is not my view; it is a conditional view. We had given submarines the order to wage economic war according to the Prize Ordinance, and we had provided in our War Diary that if the British were to arm merchant ships or something like that, then certain intensifications . . .

SIR DAVID MAXWELL-FYFE: Will you please give me an answer to the question I asked you? It is a perfectly easy question.

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Well, isn't it your view?

RAEDER: In theory, of course, considering the small resources that we had, the greatest possible damage to England could only be achieved through—we had to discuss with the Foreign Office just how far we could go with this intensification. For this reason, this officer was sent there. The discussions with the Foreign Office resulted in the submarine memorandum which shows, from beginning to end, that we were trying to adhere to the existing law as far as possible. The whole memorandum is nothing more than just that sort of discussion.

SIR DAVID MAXWELL-FYFE: Now, will you answer my question? When this document says "the Navy has arrived at the conclusion," is it true that the Navy had arrived at that conclusion?

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Is that true or not?

RAEDER: But of course, everybody would arrive at that conclusion.

SIR DAVID MAXWELL-FYFE: It is much easier to say "yes" than to give a long explanation.

Now, let us come to another point. Is it true that you had arrived at that conclusion without consulting the Flag Officer, U-boats, as the Defendant Dönitz said when he gave evidence?

RAEDER: Regarding these matters? We only agreed before the submarines put to sea that they should wage war according to the Prize Ordinance. I did not ask him whether he wanted to carry out

unrestricted U-boat warfare, because I did not want that. First of all I had to discuss it with the Foreign Office to find out how far we could go. That was the purpose of this affair, which was to give individual orders, such orders which we were entitled to give, step by step, in accordance with the behavior of the British. This was a question of international law, which I had to discuss with the expert on international law in the Foreign Office.

SIR DAVID MAXWELL-FYFE: Isn't it correct that you continued to press this point of view, the conclusion of which you had arrived at, with the Foreign Office for the next 3 months? Isn't it correct that you continued to press for an unrestricted U-boat warfare within the area for the next 3 months?

RAEDER: I hardly think so; otherwise I would not have issued the memorandum of 3 September. Maybe we did go to the Foreign Office and put on pressure, but what we did is contained in the memorandum and our measures were intensified step by step, following steps taken by the British.

SIR DAVID MAXWELL-FYFE: Well now, the next step with the Foreign Office was a conference with Baron Von Weizsäcker, on the 25th of September, which you will see in Document Number D-852, Exhibit Number GB-469. You see Paragraph 3 of that document:

> "The High Command of the Navy will submit to the Foreign Office a proposal, as a basis for a communication to the neutral powers, in which those intensifications of naval warfare will be communicated, the ordering of which has already taken place or is impending in the near future. This includes, particularly, a warning not to use wireless on being stopped, not to sail in convoy, and not to black-out."

That was your first step, was it not? That was put up to the Foreign Office, with a number of other proposals?

RAEDER: Of course! The first measure was that armed merchant ships could be attacked because as early as 6 or 8 September, a submarine had stopped a merchant ship, the *Manar,* had fired a warning shot, and had at once been fired on by the British steamer. Thereupon the submarine started firing at the merchant ship. Such cases were known. And since one cannot recognize in every case whether the ship is armed or not, we assumed that it would lead to all ships being fired at. However, at that time it was ordered that only armed British merchant ships should be fired at. Secondly, that ships which sent a wireless message when stopped could also be shot at, because this use of wireless which was done by order of the Admiralty would immediately bring to the spot both naval and air forces, especially the latter which would shoot at the U-boat.

The first step, therefore, was firing on armed merchant ships—the passenger steamers were still excepted—and secondly, firing on blacked-out vessels and firing on those who made use of wireless. Blacked-out vessels are . . .

SIR DAVID MAXWELL-FYFE: Well, now would you look at Document Number D-853. I only want you to look at the next document, which will be Exhibit Number GB-470. I want you to come as soon as possible to this memorandum of which you talked.

D-853, if you will look at Section II, is a report by the Under Secretary of State of the Foreign Office, dated the 27th of September, which goes through these matters which you talked about just now, the sinking at sight of French and British ships, under the assumption that they are armed. In Paragraph II it is said:

"The Naval Operations Staff indicated anew that the Führer will probably order ruthless U-boat warfare in the restricted area in the very near future. The previous participation of the Foreign Office remains guaranteed."

Were you still pressing for absolutely unrestricted warfare within a large area to the west of Britain and around Britain?

RAEDER: Yes. Insofar as we took intensification actions step by step on the basis of our observations regarding the attitude of enemy forces, and that is in those cases where intensification was perfectly justified and was legally proved.

SIR DAVID MAXWELL-FYFE: Would you look at Baron Weizsäcker's minutes of the 14th of October which is Document Number D-857, which will be Exhibit Number GB-471.

Now, you see, this is after these measures have been taken, which you have just explained to the Tribunal. Baron von Weizsäcker reports to the Defendant Von Ribbentrop:

"According to my information, the decision on unrestricted U-boat warfare against England is imminent. This is at least as much a political decision as it is a technicality of war.

"A short while ago I submitted my personal view in writing, that unrestricted U-boat warfare would bring new enemies upon us at a time when we still lack the necessary U-boats to defeat England. On the other hand, the Navy's attitude of insisting on the opening of unrestricted U-boat warfare is backed by every convincing reason."

Then he says that it is necessary to ask for certain information. On that you put in—on that point you put in your memorandum of the 15th of October, which, My Lord, is Document Number C-157, and Exhibit Number GB-224.

RAEDER: First of all, may I say something about the previous document? This expression "unrestricted U-boat warfare . . ."

SIR DAVID MAXWELL-FYFE: You can do it later on, because we have got a lot of ground to cover here.

THE PRESIDENT: Sir David, the Tribunal thinks he ought to be allowed to say what he wants to say on that document.

SIR DAVID MAXWELL-FYFE: I am sorry, My Lord, if Your Lordship pleases. Please go on, Defendant, my fault.

RAEDER: Now the two documents are gone. What I wanted to say was that the expression "unrestricted submarine warfare" on the part of the Foreign Office originated from the previous World War. In reality, and during the entire war, we did not wage unrestricted U-boat war in the sense of the unrestricted submarine warfare of the first World War. Even there, where he says "unrestricted submarine warfare might be imminent"—are only ordered very restricted measures, which always were based on the fact that the British had ordered something on their part. The chief action on the part of the British was that of militarizing the entire merchant fleet to a certain extent. That is to say, the merchant fleet was being armed, and they received the order to use these arms.

SIR DAVID MAXWELL-FYFE: I don't see how that arises out of the last document at all. Unless the Tribunal wants to go into it, I think we might pass on.

Doesn't Your Lordship think so?

RAEDER: Out of both documents. Not out of one only . . .

SIR DAVID MAXWELL-FYFE: You have put that point, I should think, at least seven times this afternoon. I am going to suggest to you that your real object of the submarine war was set out in the first paragraph of the memorandum. Would you just look at it? You see "Berlin, 15 October . . ."

RAEDER: No, I must still say that there was not any unrestricted U-boat warfare but merely an intensification of measures, step by step, as I have repeatedly said, and these were always taken only after the British took some measure. The British . . .

SIR DAVID MAXWELL-FYFE: I suggest that that is an entire untruth, and that I will show you out of this document. Look at your own document, this memorandum. In the first paragraph:

"The Führer's proposal for the restoration . . ."

RAEDER: I am not telling untruths, I would not think of doing it. I do not do that sort of thing.

SIR DAVID MAXWELL-FYFE: Well, that is what I am suggesting to you, and I will show it out of this document.

"The Führer's proposal for the restoration of a just, honorable peace and the new adjustment of the political order in Central

Europe had been turned down. The enemy powers want the war, with the aim of destroying Germany. In this fight, in which Germany is now forced to defend her existence and her rights, she must use her weapons with the utmost ruthlessness, at the same time fully respecting the laws of military ethics."

Now, let's see what you were suggesting.

"Germany's principal enemy in this war is Britain. Her most vulnerable spot is her maritime trade. The war at sea against Britain must therefore be conducted as an economic war, with the aim of destroying Britain's fighting spirit within the shortest possible time and forcing her to accept peace."

Now, miss one paragraph and look at the next.

"The principal target of our naval strategy is the merchant ship"—now, let's look—"not only the enemy's, but in general every merchant ship sails the seas in order to supply the enemy's war industry, both by way of imports and exports. Side by side with this the enemy warship also remains an objective."

Now, wasn't that the object which you in the Naval Command were putting up to Hitler and to the Foreign Office, to use utmost ruthlessness to destroy Britain's fighting spirit, and to attack every merchant ship coming in or going out of Britain? Wasn't that your object?

RAEDER: Of course, but attacks on neutrals only insofar as they were warned and advised not to enter certain zones. Throughout the centuries in economic warfare the enemy merchant ship as well as the neutral merchant ship has been the object of attack.

SIR DAVID MAXWELL-FYFE: You are not telling the Tribunal that you were suggesting use of warnings. Are you seriously suggesting to the Tribunal that what you meant by that paragraph was that neutral ships were only to be attacked with warning?

RAEDER: Of course, and that happened. Afterwards we issued the warning to neutral ships, after our blockade zone was established in accordance with the American blockade zone. We warned them that they should not enter this zone because they would run into most serious danger. That I am saying, and I can prove it.

SIR DAVID MAXWELL-FYFE: I suggest to you that that is untrue, and I will show it out of the document. Now, just turn to page . . .

RAEDER: On 24 November that warning was issued.

SIR DAVID MAXWELL-FYFE: If you will turn to Section C of the document, "Military requirements for the decisive struggle against Great Britain."

"Our naval strategy will have to employ to the utmost advantage every weapon at our disposal. Military success can be most confidently expected if we attack British sea communications where they are accessible to us with the greatest ruthlessness; the final aim of such attacks is to cut off all imports into and exports from Britain. We should try to consider the interest of neutrals, insofar as this is possible without detriment to military requirements. It is desirable to base all military measures taken on existing international law; however, measures which are considered necessary from a military point of view, provided a decisive success can be expected from them, will have to be carried out, even if they are not covered by existing international law."

Wasn't that the view you were putting up to the Foreign Office and the Führer, "Use international law as long as you can, but if international law conflicts with what is necessary for military success, throw international law overboard." Wasn't that your view?

RAEDER: No, that is quite incorrectly expressed.

SIR DAVID MAXWELL-FYFE: Well, then explain these words. Explain these words:

"We should try to consider the interest of neutrals insofar as this is possible without detriment to military requirements. However, measures which are considered necessary from a military point of view, provided a decisive success can be expected from them, will have to be carried out even if they are not covered by international law."

What did you mean by that if you didn't mean to throw international law overboard?

RAEDER: It says "If the existing rules of land warfare cannot be applied to them." It is generally known that international law had not yet been co-ordinated with submarine warfare, just as the use of aircraft at that time. It says:

"In principle, therefore, any means of warfare which is effective in breaking enemy resistance should be based on some legal conception, even if that entails the creation of a new code of naval warfare"—that is, a new code of naval warfare on the basis of actual developments.

Throughout the war a new code of naval warfare was developing, starting with the neutrals themselves. For instance, the Pan-American Security Conference defined a safety zone 300 miles around the American coast, thereby barring a tremendous sea area for overseas trade.

Likewise, the United States fixed a fighting zone around the British Isles which was not at all to our liking, and on 4 November 1939, the United States themselves maintained that it would be extremely dangerous for neutral ships to enter it, and they prohibited their own ships and their own citizens to enter this area.

We followed that up by asking the neutrals that they too should proceed in the same way as the United States, and then they would not be harmed. Then only those neutrals sailed to Great Britain which had contraband on board and made a lot of money out of it, or which were forced by the British through their ports of control to enter that area and nevertheless submit themselves to those dangers. Of course, they were quite free to discontinue doing that.

SIR DAVID MAXWELL-FYFE: Now tell me, what changes had taken place in the development of either airplanes or submarines from the time that Germany signed the Submarine Protocol of 1936 to the beginning of the war? You say that international law had to adapt itself to changes in weapons of war. What changes had taken place between 1936 and 1939?

RAEDER: The following changes took place: The Submarine Protocol of 1936 was signed by us because we assumed that it concerned peaceful actions . . .

SIR DAVID MAXWELL-FYFE: That is not an answer to my question. My question is quite clear. It is: What changes in weapons of war, either in the air or in the submarines, had taken place between 1936 and 1939? Now, there is a question. You are a naval officer of 50 years' experience. Tell me, what were the changes?

RAEDER: It turned out that because of the airplane the submarine was no longer in a position to surface and to investigate enemy ships or any other merchant ships, particularly near the enemy coast where the U-boats carried on their activities at first. There was no regulation at all issued about airplanes.

THE PRESIDENT: Defendant, that is not an answer to the question. The question you were asked was, what changes had taken place in the weapons of war, either airplanes or submarines.

RAEDER: But Mr. President, the changes took place in the airplane. The ever increasing efficiency of the airplanes and the extension of their activities also over the seas led to the situation where it became impossible to examine any merchant vessel without aircraft being called to threaten the submarine. That got worse and worse, so that later on even rescuing had to be restricted because of enemy aircraft, and the entire submarine warfare was completely turned upside down in that manner.

SIR DAVID MAXWELL-FYFE: Is that the only change that you can say in order to justify your statement that international law

was to be thrown overboard where it didn't fit in with military necessities? Is that the only change, the increase in the power of aircraft between 1936 and 1939?

RAEDER: I have already said once it was not thrown overboard. It was to be limited and changed and that was done by others too.

SIR DAVID MAXWELL-FYFE: Well, now would you just look at the next paragraph. You talked about your consideration for neutrals. At the top of Page 5 in the English text; it is the paragraph that follows the one that I have just read. You say:

"In principle, therefore, any means of warfare which is effective in breaking enemy resistance should be based on some legal conception, even if that entails the creation of a new code of naval warfare.

"The Supreme War Command, after considering the political, military and economic consequences within the framework of the general conduct of the war, will have to decide what measures of a military nature are to be taken, and what our attitude to the usage of war is to be. Once it has been decided to conduct economic warfare in its most ruthless form, in fulfillment of military requirements, this decision is definitely to be adhered to under all circumstances. On no account may such a decision for the most ruthless form of economic warfare, once it has been made, be dropped or subsequently relaxed under political pressure from neutral powers, as took place in the World War to our own detriment. Every protest by neutral powers must be turned down. Even threats from other countries, especially the United States, to come into the war, which can be expected with certainty should the war last a long time, must not lead to a relaxation in the form of economic warfare once embarked upon. The more ruthlessly economic warfare is waged, the earlier will it show results and the sooner will the war come to an end."

RAEDER: Yes.

SIR DAVID MAXWELL-FYFE: Do you now agree with that suggestion and that point of view expressed in the paragraph which I have just read to you?

RAEDER: It has to be understood quite differently from the way you are trying to present it.

SIR DAVID MAXWELL-FYFE: Quite differently from what it says . . .

RAEDER: No, not what it says. This is the point. We had the experience during the first World War that, as soon as the order for intensification had been given and communicated, as soon as the first

neutral had raised a finger to object, these measures were immediately cancelled, particularly when the United States had a hand in it. And here I am saying that under all circumstances it must be avoided that we always withdraw our measures at once; and I give a warning to the effect that we should consider our measures as carefully as possible. That is the reason for the discussion with the Foreign Office and others, namely, to avoid the situation where later on they might be withdrawn, which would mean a considerable loss of prestige and the results would not be achieved.

That is the reason. Numerous protests were received by Britain too, and in most cases they were unanswered. I can quote from the Document Number C-170, Exhibit Number USA-136, where there are a lot of figures, Number 14, where it says: "Sharp Russian note against the British blockade warfare on 20 October 1939;" and Number 17, on 31 October, where it states: "Political Speech of Molotov."

SIR DAVID MAXWELL-FYFE: All that I ask is, was that a proper procedure?

RAEDER: I must give an explanation on that matter, and I was just about to do that. Sharp attacks on the British blockade, in violation of international law—these attacks were made by M. Molotov. Here too, protests were made which were turned down. But I wanted to prevent protests and the entire document shows that our deliberations always aimed at taking measures in such a way that they could not be objected to, but were always legally justified.

SIR DAVID MAXWELL-FYFE: Now, will you tell me, Defendant, how it was going to prevent protests if you suggest in this paragraph to use the most ruthless measures and disregard every protest that neutrals made? How is that going to prevent protests?

RAEDER: These measures were to be taken in such a way that no objection was possible. If I tell the neutrals: "This is a dangerous area in every way," and nevertheless they go there because they want to make money or because they are being forced by the British, then I need not accept any protest. They are acting for egotistical reasons, and they must pay the bill if they die. I must also add . . .

SIR DAVID MAXWELL-FYFE: That is true. They must pay the bill if they die. That was what it came to, was it not?

RAEDER: They received large premiums for exposing themselves to that risk, and it was their business to decide about it.

THE PRESIDENT: Sir David, we might break off now for 10 minutes.

[A recess was taken.]

THE PRESIDENT: Are you going to be much longer, Sir David?

SIR DAVID MAXWELL-FYFE: I thought about half an hour, My Lord.

[Turning to the defendant.] Defendant, in this document the Naval Command suggests that it calls for a siege of England, that is, the sinking without warning of all ships that come into a big area around England.

Didn't you hear? Sorry. In this document the Naval Command suggests what is called the siege of England, on Pages 10 to 13. And that is, the sinking of all merchant ships, including neutrals and tankers, which come into an area around England. Isn't that so?

RAEDER: No, that is not true. The Navy Command does not suggest that, but discusses the idea of a siege after the blockade had been discussed and rejected. It likewise comes to a conclusion why the siege, which until that time had not been accepted as a recognized idea by international law, should not be undertaken; and it draws the inference from all these discussions by setting out on the last page, the last page but one, what shall now be considered the final conclusion. These are only those measures which can be justified by the actions already taken by the British. And during the entire discussion about blockading, the consideration was always in the foreground as to whether the neutrals would not suffer too much damage by that. And the whole idea of a siege is based on the fact that Prime Minister Chamberlain had already said—on 26 September—that there would not be any difference between a blockade on the seas and a siege on land, and the commander of a land siege would try to prevent with all means the entry of anything into the fortress. Also, the French press had mentioned that Germany was in the same situation as a fortress under siege.

SIR DAVID MAXWELL-FYFE: What I am suggesting is that you come down in favor of a siege, but you do not want any siege area declared. Will you look at Paragraph 2 of the conclusions, and then I will leave the document to the Tribunal. That is the point I suggest. In paragraph 2 of the conclusions you say:

> "For the future conduct of economic war, the basic military requirements demand the utmost ruthlessness. The employment of the siege by sea as the most intensified form of economic warfare meets this demand. Even without the public announcement of a state of siege, after it has been clearly defined as a concept, a declaration which would have drawbacks militarily and from the point of view of international law, and even without the declaration of a prohibited zone,

it seems perfectly possible at the moment, as has been explained in this memorandum, to take military measures to introduce the most intensive form of economic warfare, and to achieve what are at present the greatest possible results in the interruption of enemy trade"—now the last words—"without the Naval Operations Staff being tied in all cases to special forms and areas."

That is your final conclusion, that you should have as effective a siege as possible without proclaiming any area. Isn't that so?

RAEDER: No, that is not the conclusion. The conclusion is that we cannot carry out a siege, and that it would be a matter for the political leadership of the State to decide. The political leadership of the State has never suggested to decree a siege, and it can be seen here quite clearly what, on the basis of the memorandum, is suggested for the time being, and then how the intensification gradually took place.

SIR DAVID MAXWELL-FYFE: We must not take time arguing about it, I want you to make clear...

RAEDER: But...

SIR DAVID MAXWELL-FYFE: Let me finish. My suggestion to you is—and there I leave it—that you rejected a formal siege, but you claimed the right to sink at sight, without warning, all neutral vessels in an area which the High Command may choose.

Now, I want to pass on to another subject, because I am afraid time is getting on.

RAEDER: That is no siege, however. That was a directive issued after neutral ships did not heed our warning and continued to enter the sea around Britain in order to support Britain in the economic warfare which she, with the greatest ruthlessness and severity, was conducting against us. It was a measure of self-defense.

SIR DAVID MAXWELL-FYFE: I put it that the document speaks for itself, now that the attention of the Tribunal has been drawn to it. I want to come to another point. You have mentioned certain matters, in answer to Dr. Horn this morning, with regard to the treatment of American ships in the summer of 1941. In April 1941 you were pressing for German naval forces to operate freely up to three miles of the American coast instead of the 300-mile safety limit which the Americans were suggesting, were you not? Well to save time I will give the witness Document Number D-849, Exhibit Number GB-472.

[The document was handed to the defendant.]

That says you couldn't get in touch with the Defendant Von Ribbentrop and therefore you asked Baron Von Weizsäcker to get a decision on these points:

"1) Authorization for the German naval forces in the western part of the Atlantic Ocean to operate freely as far as the international customary 3-mile boundary.

"2) The cancellation of the preferential treatment which American merchant vessels have been enjoying so far in our warfare at sea."

Now, I hand you Document Number 850, that will be Exhibit Number GB-473. Your suggestion, which had been made in April, was turned down by Hitler in June. It is a memorandum from Ritter in the Foreign Office and it reads:

"General Jodl informs me that at the recent report of Grossadmiral Raeder to the Führer, the more far-reaching orders to the naval forces, as they were discussed in connection with the Raeder interview, have been postponed until further notice.

"In the same way, permission to attack United States' merchant vessels within the framework of the prize law has not been granted."

Your suggestion was to abandon the policy then existing and attack up to the 3-mile limit. Now, I want you to come to another point . . .

RAEDER: No, please may I make a statement concerning that? I should like to say something, even if you do not put a question to me. It is not right.

At that time, in March 1941, and on the 1st of April and the following dates in 1941, a whole number of intensifications were introduced by the United States, which I mentioned this morning, from the document which I had before me. Therefore, it was clear that I, on behalf of the Naval Operations Staff, which was supposed to conduct the most effective naval war, urged that also with respect to the United States those steps should be taken which were permissible according to international law, and that we should start slowly. Those steps included:

First: that we should no longer respect that 300-mile limit, but go as far as the 3-mile limit, where according to existing international law, it was possible to attack. That is to say, not against international law, but it was just discontinuing certain favorable conditions which we had granted the United States. And Point 2: The cancellation of the preferential treatment . . .

SIR DAVID MAXWELL-FYFE: That's exactly what I suggest to you. There is no dispute between us. I was just establishing that point.

RAEDER: Yes—no . . .

SIR DAVID MAXWELL-FYFE: Well, I want you to come . . .

RAEDER: I only wanted to say that during the hearing of Grossadmiral Dönitz the Prosecution demanded of us that we should not treat certain neutrals better than others, but we should treat them all alike; that is to say in plain language, we must sink them all, no matter whether we wanted to do so or not, and of course we were not bound to do that. The second thing: it was a matter of course that a thoroughly justified suggestion on my part from the point of view of the Naval Operations Staff had been rejected by the Führer if, with regard to the political situation, he decided that at that time he did not desire to adopt a more severe attitude towards the United States.

SIR DAVID MAXWELL-FYFE: Now, I want you to come to quite a different point. Do you say that you did not know anything about the extermination of Jews in the Eastern Territories?

[There was no response.]

Do you say that you did not know about the extermination of Jews in the Eastern Territories?

RAEDER: I say clearly under oath that I had not the slightest inkling about it. I might add in explanation that on no account would Hitler have spoken about such things to a man like myself, whose opinion he knew, especially because he was afraid that on my part there would be very serious objections. I explained the other day why I used the word "Jews" in my memorial speech. In my opinion, I was obliged to do so. But that had nothing at all to do with an extermination of Jews. About the Jewish matter I have only learned . . .

SIR DAVID MAXWELL-FYFE: Well . . .

RAEDER: Excuse me, please, one moment. I only learned something about the Jewish matter when Jews who were known to me, mostly friends of my old parents, approached me and told me that they were about to be evacuated from Berlin. And then I intervened for them. That was the only thing I knew. On occasions I was told in answer to my questions that they were to be evacuated to cities where ghettos had been established. I always understood that a ghetto was a district in a city where all the Jews lived together, so that they would not have to mingle with the rest of the population.

SIR DAVID MAXWELL-FYFE: Well, you know, my question was only: Did you know or did you not, and you could have answered that yes or no. I want you now to answer about that point...

RAEDER: Yes, but I must—so many questions have been asked about this very point and as every man in my position who held the same views says the same, that he does not know anything about it, I should like to explain once for all that one did not hear about these things, because civilians certainly did not talk to us about that, because they were always afraid that they would get into difficulties. The Führer did not speak about it. I had no connection with Himmler nor with other agents of the Gestapo. I did not know anything about it.

SIR DAVID MAXWELL-FYFE: Well now, I want you just to tell the Tribunal your chain of command for the Baltic coast. Is this right that you had the naval chief command, and then the Flag Officer of the East Baltic coast Tallinn and, under him, you had a command at Libau; is that right? Was that your chain of command?

RAEDER: I did not understand that.

SIR DAVID MAXWELL-FYFE: Was your chain of command for the East Baltic coast, Kiel, Flag Officer Tallinn, and a detachment under him at Libau? You had...

RAEDER: I assume so—that depends on various things. If they were operational matters, then it had to do with the Naval Group Commander East or North; and as far as matters of organization were concerned, then it might have gone through the Station Chief of the Baltic Sea.

SIR DAVID MAXWELL-FYFE: Well, then, at any rate, you had got in 1941 a naval command at Libau, had you not?

RAEDER: Yes, of course.

SIR DAVID MAXWELL-FYFE: Well, now, I would like you just to look at Document Number D-841, which is a deposition on oath by one of the naval employees at Libau.

My Lord, that will be Exhibit Number GB-474.

This witness says: "Deposition on oath of Walter Kurt Dittmann."

And then it says:

"I was Naval Administration Inspector and officer in charge of the Naval Clothing Depot at Libau in Latvia.

"I held this position from the beginning of August 1941 to the end of March 1942.

"The Jewish population of Libau at that time was supposed to be about 7,000 people.

"Up to the end of March 1942 many thousands of them had already been 'evacuated' by the Gestapo and the Latvian Police.

" 'Evacuated' was the local expression for the annihilation of these people.

"All Jews were registered. When a new lot was to be evacuated it happened in the following way:

"The Latvian Police fetched the Jews out of their houses, put them on lorries and drove them to the Naval Port about six to seven kilometers outside the town. Later on these people had to march and were not taken there in lorries.

"In the Naval Port these people were then shot with machine guns. This was done by the Gestapo and the Latvian Police. The police, of course, got their orders from the German Gestapo.

"I personally did not witness these incidents, but comrades told me all about them.

"Some of the Jews before they were shot worked for the Navy.

"About 80-100 people worked in the Clothing Depot every day.

"About 100-150 people worked in the Garrison Administration every day.

"About 50 people worked in the Garrison Building Office (Navy) every day.

"Through these contacts and through personal visits to the houses of Jews I heard a lot regarding the terrible happenings in Libau during these months.

"I personally went to my superior, Festungs-Intendant Dr. Lancelle, and before that I also went to another superior, the officer in charge of the Hospital Administration, named Müller, both were Naval Administration Officials. I pointed out to them these abuses which have already been described. The answer I got was that they could not do anything and that things like that were best overlooked.

"The Marineverwaltungsassistent Kurt Traunecker accompanied a consignment of clothing from Kiel to Libau. He stayed a few weeks in Libau and he expressed his displeasure at the conditions there regarding the annihilation of the Jews.

"He then went back to Kiel to the local clothing office. There again he expressed his displeasure and was ordered to appear

at the Naval Administration Headquarters (Marine-Intendantur). Whom he saw there, I do not know, but it was made clear to him that these occurrences were not true, and therefore he should not talk about them any more, otherwise he would get into most serious trouble.

"My personal opinion is that the higher offices of the Navy in Kiel and in other places in Germany must have had knowledge of these terrible conditions."

Are you saying, Defendant, that with your naval detachments on the East coast of the Baltic and with these things happening, that nobody reported to you that the Jews were being slaughtered by the thousands in the Eastern Territories, you are still saying it?

RAEDER: Yes, I knew nothing about it.

SIR DAVID MAXWELL-FYFE: What was your staff doing, if they were not telling you about this? Had you an efficient staff? Do you say you had an efficient staff?

RAEDER: That is a question which is not relevant here. Of course I had only efficient officers around me. But here we are dealing with things which were not done at all by the Navy. It says here in all places that it was the police and so on. I even was in Libau once and I was told—and this is the only thing in connection with this matter—that the peculiar thing was that the Jews in Libau, contrary to their custom, were craftsmen and therefore they were doing useful work there. That was the only thing I heard about it. As regards any extermination . . .

SIR DAVID MAXWELL-FYFE: When were you in Libau?

RAEDER: I cannot say that now. It was after it was occupied, probably immediately afterwards.

SIR DAVID MAXWELL-FYFE: Were you there in 1941 or 1942?

RAEDER: I said just now that I do not know exactly when; I have to look it up somewhere. It does not say here that anything was reported, only that it was apparently discussed in the Navy Headquarters and with the Navy Quartermaster (Marine-Intendantur), who does not report to me. Of course I would have intervened if I had heard about such happenings.

SIR DAVID MAXWELL-FYFE: You think you would? Well, I'll leave that. Now, tell me about the Commando Order of the 18th of October 1942. You received Hitler's Commando Order and passed it on to your various divisions of the Navy, did you not?

RAEDER: Yes, I passed it on through the Naval Operations Staff.

SIR DAVID MAXWELL-FYFE: Did you approve of it?

RAEDER: I did not recommend it, but I passed it on. I have to make a statement if you want to know what I thought about it.

SIR DAVID MAXWELL-FYFE: Well, that's not what I'm asking you. I'm asking you—first answer my question—did you approve of an order to shoot Commandos or to hand them over to the SD to be shot, did you?

RAEDER: I did not recommend the order, but I received it as drafted by the Führer, and as it came into my hands, I passed it on as ordered with the same remark as to how far it has to be passed on and how it has to be returned. It was all ordered by Hitler in detail. It was decisive for me that in one of the first paragraphs the reason for this order was given, and the reasons why Hitler considered a deviation from international law justified. Moreover, a short time before I had been in Dieppe in France, and there I was informed that on the occasion of the Commando action of the British in France, the prisoners, I believe they were from the Labor Service, who were working along the coast, had been shackled with a noose around their neck and the other end of the noose around the bent-back lower leg, so that when the leg weakened, the noose tightened and the man choked.

SIR DAVID MAXWELL-FYFE: Well, now, will you answer my question: Did you approve of the order or not? You haven't answered it yet. Did you approve of the order?

RAEDER: I always said—yes, I did—no, I do not want to say—I said that twice already. I passed it on because it was an order from my Commander-in-Chief. Moreover, in one of the last paragraphs it said that that order should not be applied for the treatment of prisoners taken after a naval action or after large scale landing operations and I, as well as many others in the Navy, concentrated our attention on this point because that was our main activity. But I saw no reason to raise objections to the Führer on account of this order which I thought justified in this way. And I would like to state very clearly that I, as a soldier, was not in a position to go to my Supreme Commander and Chief of State to tell him, "Show me your reasons for this order," that would have been mutiny and could not have been done under any circumstances.

SIR DAVID MAXWELL-FYFE: Now, do you remember that one example which we have discussed a great deal in this Trial, which you must have listened to, was the case of naval men coming in with a two-man torpedo, trying to sink the *Tirpitz*. Do you remember that case? Surely you can answer that "yes" or "no," because either you remember or you do not. We have discussed it about six times.

RAEDER: Yes, I remember. If I remember I will say "yes." The contrary does not have to be assumed at all.

SIR DAVID MAXWELL-FYFE: Do you know that during the time that you were Inspector General, or Admiral Inspector of the German Navy, that there was started a "Kommando der Kleinkampfverbände," under Vice Admiral Helmut Heye, which included in its command one-man torpedoes, one-man U-boats, explosive motor boats, and had personnel, starting at about 5,000 and rising, I think, as far as 16,000? Did you know that there was that Kommando in the Navy, "Kommando der Kleinkampfverbände"? Did you know that?

RAEDER: Yes, I knew that of course and that it operated quite openly on the French coast and later on, I believe, also on the North coast.

SIR DAVID MAXWELL-FYFE: Would you have approved if the Allies had shot any one of your thousands of personnel in that Kommando that was dealing with one-man and two-man torpedoes and explosive motor boats? Would you have approved if we had shot them out of hand?

RAEDER: First, I cannot give any information about what I would have done in a particular case with which I had nothing to do any more. Secondly, here it is . . .

SIR DAVID MAXWELL-FYFE: All right, if you don't want to answer, it is good enough for me. I will point it out in due course to the Tribunal with . . .

RAEDER: But you interrupted me again. I should like to make a second point after what I said first. Secondly, these units fought quite openly, just below the coast, and had no civilians on board and also no murderous instruments or instruments for sabotage with them, so they were fighters just like the fighters in a submarine. I know . . .

SIR DAVID MAXWELL-FYFE: That is exactly the point that I have put with our Commandos, so I will not argue.

I want to pass to one other point. Was it under your orders that the log on the *Athenia* was falsified? Was it by your direct order?

RAEDER: No, not at all. I have explained the other day here that my order was, "First: absolute secrecy upon the order of the Führer. Secondly: politically it will be dealt with by the High Command of the Navy. Thirdly"—there was a third point—I will find it in a second—"I do not intend to punish the commander because he acted in good faith and committed an error." That is what I ordered. I did not order anything further concerning that.

SIR DAVID MAXWELL-FYFE: Well, do you know under whose orders the log was falsified? I am very anxious to know. The log was falsified. I have asked the Defendant Dönitz. He cannot tell me. He has put in an affidavit that the matter was to be left to you, and now I am asking you whether you can tell me. I think the commander is dead, as far as I remember, so he cannot tell me. Do you say that you cannot tell me under whose orders the log of the Submarine *U-30,* that sank the *Athenia,* was falsified?

RAEDER: I have already said that I had nothing to do with it, because in fact I did not have anything to do with such details. I did not order such details. The other day—I do not know whether Admiral Wagner said it—it was discussed who did it. I assumed that it was within the flotilla.

SIR DAVID MAXWELL-FYFE: Tell me just this about the *Athenia.* You told us the other day that you gave these orders, and then washed your hands of the matter. Nearly a month later . . .

RAEDER: I have already said I had nothing further to do with it, for you know . . .

SIR DAVID MAXWELL-FYFE: You had nothing to do with it. Nearly a month later the Propaganda Ministry put out this suggestion, I think you said on Hitler's orders—that the *Athenia* had been sunk by Churchill. Did you not feel that it was your duty as Grand Admiral and head of the German Navy to make any protests against this disgraceful, lying suggestion, that the First Lord of the British Admiralty had deliberately sent to their deaths a lot of British and American subjects? Did you not think it was your duty to do that?

RAEDER: I spoke to Hitler about it—but it had happened without our having any idea about it. I was extremely embarrassed about it when the First Lord of the Admiralty was attacked in that, one can say, boorish manner but I could not change anything subsequently and Hitler did not admit that he . . .

SIR DAVID MAXWELL-FYFE: So you did not bother about that, as I understand it, you didn't bother at all . . .

RAEDER: Yes, I had misgivings about it, and I was very indignant about it. Please do not keep twisting what I say . . .

SIR DAVID MAXWELL-FYFE: Did you translate your indignation into actions? That is what I am asking.

RAEDER: Into what kind of action?

SIR DAVID MAXWELL-FYFE: Any action.

RAEDER: Yes, that Hitler should get Goebbels to contradict that article? That Hitler would not do if he himself had been the author of the article.

SIR DAVID MAXWELL-FYFE: Now, I just want to get it clear. You did nothing when you knew that Von Blomberg and Von Fritsch, who were old friends and comrades of yours, had been framed up by sections of these Nazi plotters; you did nothing about that? You did nothing to protest against the treatment meted out to Von Blomberg or Von Fritsch? You did nothing, did you?

RAEDER: No, but at that time I did not know anything about the background, as you yourself said this morning. I knew nothing about the background. Later when I became acquainted with the details I gradually put the whole picture together. At that time I was not in a position to assume that such methods would be at all possible.

SIR DAVID MAXWELL-FYFE: Well, I put to you your own statement that you made a year ago. I just want to get it quite clear that the first time in your life that you were moved to protest was, I think, in March 1945, when you saw the actual marks of torture on the hands of your friend, Herr Gessler, and at that time the Soviet troops were over the Oder and the Allies were over the Rhine, and that was the first time that you made any protest when you took off your Party Golden Emblem, wasn't it? That was the first protest you ever made in your naval, military, political career; is that right?

RAEDER: Not a bit of it. I did not really know what was going on.

SIR DAVID MAXWELL-FYFE: Well then—I put it again. In March 1945 you took off the Party Golden Emblem when you saw the marks of torture on your friend Gessler's hands. Isn't that right?

RAEDER: When Dr. Gessler, who in spite of my objections had been kept for several months in a concentration camp, returned from the concentration camp and informed me that he was in extremely pitiful condition, and that in spite of my request in August, when he was sent to the concentration camp and when I had asked the Führer through Admiral Wagner for Dr. Gessler to be questioned quickly because he was certainly innocent in connection with the assassination attempt, so that he could be released as soon as possible, then . . .

SIR DAVID MAXWELL-FYFE: Well, my question is, was it then that you took off the Party Emblem. You can answer that. You can give your explanation later.

RAEDER: Yes, but wait a moment.

SIR DAVID MAXWELL-FYFE: But up to then you did not make any protest against anything that Hitler did, except the purely military one on the invasion of the Soviet Union?

RAEDER: I always made serious protests, and that I have proved here, and the adjutant, General Schmundt, told me, "You will be most successful if you try to influence the Führer personally when you are alone with him and tell him quite openly what you think." This is important enough to mention and I must say it.

Well, Dr. Gessler came back from the concentration camp and told me that during his first interrogation—at that time I had not yet had a chance to intervene—he had been tortured. That was the first time that I heard that anywhere in Germany anybody was tortured. There is a letter from Dr. Gessler about that—that I told him immediately, "I am going to the Führer at once to tell him about this because I cannot imagine that he knows about that." Gessler begged me—when he confirmed that letter—for goodness sake not to go to the Führer then, because that would endanger his, Gessler's, life. I said I would answer for it that nothing would happen to him, and that I would still try to approach the Führer.

During the whole of the ensuing period I attempted to approach the Führer, who was not at headquarters. When I was informed in April that he was in Berlin, which was already under heavy attack, I tried to approach the Führer day after day by calling Admiral Voss over the telephone. That was no longer possible, and after I received that information the first thing I did was that I went, together with my wife, to the lake which was behind our house and tore off my Party Emblem and threw it into the lake. I told that to Admiral Voss but unfortunately I could not tell it to the Führer any more. That can be seen from the letter which Dr. Gessler wrote, and we would have liked to have him as a witness, but his state of health did not permit it.

SIR DAVID MAXWELL-FYFE: That was your first protest.

RAEDER: It was not my first protest. That is twisting my words.

THE PRESIDENT: Is there any other cross-examination?

COL. POKROVSKY: On 18 May 1946, during the morning session of the Tribunal you testified that during your service as Commander-in-Chief of the Navy you twice made application to resign. The first time you tried to resign was in November 1938 when you were dealing with the building up of the Navy, and Hitler was not pleased with your plans, and the second time was when Hitler, without your knowledge, permitted his adjutant who was a naval officer to marry a certain young girl. Is that not so?

RAEDER: Yes, but I put in further applications for resignation which were not so sensational, once in 1937, and I believe even in 1935, when I was not in good health. But these were two typical examples which show how such things came about.

COL. POKROVSKY: I understood that in the first of these two cases Hitler finally persuaded you not to resign.

RAEDER: Yes.

COL. POKROVSKY: And in the second case, he complied with your wish but he never forgot it.

RAEDER: Yes.

COL. POKROVSKY: In fact, you resigned only in January 1943, is that not so?

RAEDER: In actual fact, yes. But I must add that during the war I felt I could not leave the Navy, which was already in such a difficult situation, and I believed I enjoyed its confidence to a certain extent so that I could be useful.

COL. POKROVSKY: On the morning of 18 May you said here in the Court in regard to your resignation, that it seemed to you then that Hitler, at that particular moment, wanted to get rid of you. Is that so?

RAEDER: At that moment I had the impression, when he made such serious accusations and when he considerably contradicted his previous judgments, that maybe he wanted to get rid of me, and I therefore considered that that was a particularly favorable moment to leave.

COL. POKROVSKY: The question of successors was solved by your naming a few people to Hitler.

RAEDER: Yes.

COL. POKROVSKY: And among them was the Defendant Dönitz. Did you mention his name?

RAEDER: Yes. I mentioned his name. I informed the Führer of that in writing, first Carls, second, in case he wanted to concentrate on submarine warfare, Grossadmiral Dönitz, who was the highest authority in that field.

COL. POKROVSKY: And does it not seem to you, after your answer to my questions, that the answer which you gave to Dr. Laternser on 18 May, when you mentioned the absolute impossibility of resigning from the general staff, was not a proper answer? It was possible to resign, was it not?

RAEDER: Yes, but in this case, of course, there were two prerequisites. The first was that Hitler himself did not like me any more and I knew it, so that it would not be insubordination if I threw up my post for some reason or other.

Secondly, because it was possible, as I pointed out in that conversation, for the change to take place under peaceful conditions so

that the Navy would not suffer by it. If I had left because of a quarrel, then that would have had a very bad effect on the Navy because it might have meant a certain split between the Navy and Hitler, and I had particularly to preserve unity, at that critical moment of the war.

COL. POKROVSKY: I would like you to understand my question correctly.

RAEDER: Yes, I understand . . .

COL. POKROVSKY: I am not asking you about the prerequisites which might have been required for granting an application for resignation. I am asking you a question in principle:

Was it possible or was it not possible to resign? After all, you did resign. You resigned from your post as Commander-in-Chief of the Navy.

RAEDER: Yes, but I had been in the service for 15 years, and I could tell him, "If that is the way you yourself judge me, then there is no sense in your continuing to work with me." That was a favorable opportunity which made it permissible for me to ask him to release me. But what one could not do was to throw up the job and give the impression of being insubordinate. That had to be avoided at all costs, I would never have done that. I was too much of a soldier for that.

COL. POKROVSKY: I have already heard what I wanted to hear from you in reply to my question.

Now, I will pass on to the next question. You maintain that all the time you were striving towards normalizing relations with the Soviet Union, is that correct?

RAEDER: I am sorry; I could not understand what you said.

COL. POKROVSKY: You maintain that during your service you always strove to make the relations between Germany and the Soviet Union quite normal, is that not so?

RAEDER: I was always in favor of the Bismarck policy, that we should have a common policy with Russia.

COL. POKROVSKY: If I understood your testimony correctly the day before yesterday and on Friday, in 1940, already, you had knowledge of the fact that Hitler intended to attack the Soviet Union.

RAEDER: In September 1940 for the first time I heard certain statements from Hitler himself that he was thinking of a war with Russia, given certain circumstances. Even in the directive he mentioned one of these prerequisites, one of these circumstances. He did not say to me at that time that in any circumstances he wanted to wage war, but that we had to be prepared, as it says in

Paragraph 1, that before crushing England we might have to fight against Russia. And from September on I began to make objections to him.

COL. POKROVSKY: Was there not a case of an incident when you maintained that the explanations which had been given by official governmental organs or agencies for an attack on the Soviet Union gave you and the others the impression that it was a deliberate propaganda, and in fact they were quite repulsive in their effect? Do you remember that?

RAEDER: The propaganda made by Hitler made an impression? I did not quite get it . . .

COL. POKROVSKY: I believe that you once expressed in writing the view that the OKW and the Foreign Ministry explained to the German people the reasons for attacking the Soviet Union in such a way as to give the impression that it was deliberate propaganda, and the total effect was repulsive. Do you not remember it?

RAEDER: Oh, you mean the broadcasts emanating from the Foreign Office when the war started? Yes, that was Hitler's propaganda to make the German people understand the reason for this war. That is right. As regards breaking the Pact . . .

COL. POKROVSKY: I would like you to take a look at one document. This is a document written by you, and I would like you to tell us whether this document contains the precise subject matter of my question.

RAEDER: Where is it?

COL. POKROVSKY: "The propagandistic . . ."

RAEDER: "The propagandistic"—shall I read it?

> "The propagandistic, political and military announcements given out at the beginning of the war by the Foreign Office and the High Command of the Armed Forces, which were to justify the breaking of the Pact because of breaches by the Soviet Union, found very little credence among the people as well as among the Armed Forces. They showed too clearly that they were propaganda for a certain purpose and had a repulsive effect." (USSR-460.)

I know that at that time Hitler himself drafted these documents, together with Goebbels.

COL. POKROVSKY: In connection with this question I have another question for you. Am I to understand you in this way; that your divergence of opinion with Hitler over foreign policy, and in particular in regard to aggressive wars, was less strongly defined than your difference of opinion about the question of the marriage of a naval officer with a certain girl? Did you understand me?

RAEDER: No, they were two quite different things. Those were military questions where the political decisions remained with the Führer. I was very insistent about the moral issues also, where they concerned the Pact, but I did not send him any written ultimatum because in this matter it would have been unsoldierly. I did not have the final decision, he had it; whereas in the case of Albrecht, it was up to me to decide—to say yes or no—and not to sign that which I was supposed to sign.

COL. POKROVSKY: You are saying now that this is a question of morals. Does it not seem to you that an unprovoked attack on a country with which Germany had a nonaggression treaty—do you not think that such a question is always connected with the question of morals?

RAEDER: Of course; that is what I said myself, that in this case too I laid special stress on the moral issue. But in spite of that, as the highest man of the Navy, I was not in a position to hold out the threat of resignation at that moment. I was too much of a soldier to be able to do that, to be able to leave the Navy at a moment like that.

COL. POKROVSKY: In answer to questions put to you by your counsel here in this courtroom you testified that your speech, which was delivered by you on 12 March 1939—that is Page 169 of the Russian text in the Raeder document book, My Lord—the speech where you praised Hitler and Hitler's policies—you mentioned that this speech was not in accord with your true opinion. Is it so or is it not?

RAEDER: No, that is not correct. I said that we had had the experience that the Communists and Jews, from 1917 to 1920, had strongly undermined our power of resistance, and that for this reason it could be understood, if a National Socialist government took certain measures against both of them in order to stem their influence, which was excessive. That was the sense of my statements and I made absolutely no mention of any further steps which might come into question.

COL. POKROVSKY: In short, you are saying now that when you delivered that speech on 12 March 1939, that this speech was fully in accord with your ideas and your views. Is that correct?

RAEDER: Yes, it was, or I would not have made it. It was in accord insofar as I had to recognize that the National Socialist Government had in some way to stem that influence which was generally recognized to be excessive, and as I said yesterday, the National Socialist Government had issued the Nuremberg Laws, which I did not entirely approve of where they went to extremes. But if the Government was so disposed, it was not possible for me in an official public speech, which I gave on the orders of that Government, to

express my personal views which were different. That had to be considered within this address to the nation.

THE PRESIDENT: Will you be able to finish in a very few moments? It is now five minutes past five.

COL. POKROVSKY: I think, My Lord, that only about 10 minutes will be sufficient for me. I have only about three or four more questions left.

THE PRESIDENT: All right.

COL. POKROVSKY: *[Turning to the defendant.]* In order to save time I am not going to argue with you in regard to the motives which made you deliver the speech. It was important for me that you should confirm what you said, and that is, that this speech was in accord with your views and ideas. Now I will pass on to the next question.

On 29 September 1941, your Chief of Staff, Admiral Fricke—do I pronounce his name correctly? Is it Fricke or Fricker?

RAEDER: Fricke, yes, Chief of the Staff of the Naval Operations Staff.

COL. POKROVSKY: Admiral Fricke published a directive in regard to the future fate of Leningrad. Do you know what document I mean, or must this document be shown to you?

RAEDER: No. I know that document very well.

COL. POKROVSKY: This directive was published with your consent?

RAEDER: I did not give a specific order for it because there was no necessity for passing it on. May I just explain briefly how it was. I had . . .

COL. POKROVSKY: Yes, and I would like you to be brief.

RAEDER: Quite briefly, yes. I had requested Hitler when I heard that he intended in the course of the war to bombard Leningrad, that he should spare the port and dock installations because they would be useful for us later, as we had to keep moving our bases back to the East on account of the British air attacks in the Baltic. Shortly before the date which you have mentioned Admiral Fricke had been at the Führer's headquarters—I do not know for what reason—and had there spoken with the Führer in my absence, and the Führer had explained to him that plan to bombard Leningrad, especially with aircraft, and he used those very exaggerated words which were then written down in the document. The Navy had absolutely nothing to do with the shelling of Leningrad. We received no orders for that. We were only interested in that one thing which I mentioned before, that the shipyards and port installations should

be spared. The Führer had informed Fricke that unfortunately he was not in a position to do that because the attack, especially if made with aircraft, could not be directed quite so precisely. All we could do was to inform Generaladmiral Carls that Leningrad, in case it should be taken, could not be used as a base, and Generaladmiral Carls had to stop the preparations which he had already begun by allocating German workers and probably also machinery which was intended to be used in Leningrad later on. Carls had to know of that and, as the document says, the so-called Quartermaster Department of the Navy had to know about it, and that was why Admiral Fricke passed on that paper. Unfortunately he included in this paper the expressions used by Hitler, which had nothing to do with the whole affair as far as we were concerned, because we had nothing to do with the shelling. By so doing he did not assume in any way the responsibility, in the sense that he approved it. He only believed that he had to pass on Hitler's wording of the order.

The Navy had nothing to do with the matter. It would not have been necessary to pass it on, and unfortunately and very clumsily that expression used by Hitler was entered in that document. However, nothing happened and that document was not passed on from Generaladmiral Carls to our Finland Commander. That is the whole story.

COL. POKROVSKY: It seems to me the question is becoming more complicated. I asked you a simple question. Your Chief of Staff, Chief of Operations, published a directive. Did you know about the directive?

RAEDER: No. That is not a directive—that can be seen also from the photostat—because the letter had not been submitted to me for passing on, and that shows that it was not considered to be very important. It was not a directive to undertake any operation or anything important. It was just a directive to stop anything that might have been done with regard to bases; so that really nothing happened. Thus, when that document was passed on by Admiral Fricke, nothing happened at all. It was quite superfluous.

COL. POKROVSKY: You are talking about the destruction of one of the biggest cities of the Soviet Union. You are talking in this document about razing the city to the ground, and you maintain now that it is a more or less trifling question, that this question was not important enough to be reported to you, as Fricke's Chief? Do you want us to believe that?

RAEDER: Of course. It is not a question of the shelling of Leningrad, with which we had nothing to do at all. It was the minor question which concerned us, the question as to whether we would later be able to establish a naval base there, and whether we could

bring workers and machines and such things to Leningrad. That was a minor issue. The shelling of Leningrad was a major issue.

COL. POKROVSKY: I think that the Tribunal will be able to understand you correctly and to draw the necessary conclusions, both from this document and from your testimony.

Now, I have one last question for you. On 28 August 1945, in Moscow, did you not write an affidavit as to the reasons for Germany's defeat?

RAEDER: Yes, I took special pains with that after the collapse.

COL. POKROVSKY: My Lord, we submit this document to the Tribunal in the form of excerpts, Document Number USSR-460. In order to save time I would like you to hear several excerpts from this affidavit.

[Turning to the defendant.] You will be shown where they can be found on the original, and you can say whether it was correctly read into the record and whether you acknowledge and confirm it.

"My Attitude Towards Adolf Hitler and the Party. Disastrous influence on the fate of the German State. . . ."

Did you find this place?

RAEDER: Yes, I have it.

COL. POKROVSKY: "Unimaginable vanity and immeasurable . . ."

DR. SIEMERS: Would you be kind enough to give me a copy so that I can follow?

COL. POKROVSKY: "Unimaginable vanity and immeasurable ambition were his main peculiarities; running after popularity and showing off, untruthfulness, vagueness, and selfishness, which were not restrained for the sake of State or People. He was outstanding in his greed, wastefulness, and effeminate unsoldierly manner."

Then, a little further on:

"It is my conviction that Hitler very soon realized his character, but made use of him where it suited his purpose, and burdened him perpetually with new tasks in order to avoid his becoming dangerous to himself."

On Page 24 of your document you give another characteristic;

"The Führer continued to attach importance to the fact that from the outside his relations to me seemed normal and good. He knew I was well thought of in all the really respectable circles of the German people, and that in general everybody had great faith in me. This cannot be said of Göring, Von Ribbentrop, Dr. Goebbels, Himmler and Dr. Ley."

Now I will ask you to find Page 27.

RAEDER: But there is something missing. "In the same way, as for instance, Baron Von Neurath, Count Schwerin von Krosigk, Schacht, Dorpmüller and others," who were on the other side.

COL. POKROVSKY: Evidently it was not correctly translated to you. I will read this passage into the record. Now, on Page 27, this place is underlined in red pencil: "Dönitz' strong political inclination to the Party . . ."

THE PRESIDENT: *[Interposing.]* I think the Tribunal could read this themselves if the defendant says that it is true that he wrote it. Probably Dr. Siemers could check it over and see that there are no inaccuracies.

COL. POKROVSKY: Very well, My Lord. Then I shall have the opportunity to put a very brief question.

[Turning to the defendant.] I will ask you to take a look at a place on Page 29, which is marked with pencil, where the paragraph deals with Field Marshal Keitel and General Jodl.

Will you confirm that?

RAEDER: What am I supposed to do? Yes, well . . .

COL. POKROVSKY: I am asking you with regard to everything that I read into the record and what you say just now in this paragraph. I would like to have an answer from you. Do you confirm all that?

DR. SIEMERS: Mr. President, I quite agree with the suggestion by the Tribunal. However, I should like to ask that the entire document be submitted. I have only short excerpts before me, and I would be grateful if I could see the entire document. I assume that Colonel Pokrovsky agrees to that.

THE PRESIDENT: Certainly, Dr. Siemers, one part of the document having been put in evidence, you can refer to the remainder of the document. You can put the remainder of the document in, if you want to.

RAEDER: I said that at the time I tried to find an explanation for the cause of our collapse.

COL. POKROVSKY: First, I ask you to give the answer, yes or no.

RAEDER: Yes. On the whole, I agree entirely with this judgment. But I should like to add that I wrote those things under entirely different conditions. I do not wish to go into details, and I never expected that that would ever become public. These were notes for myself to help me form my judgment later on. I also want to ask especially that what I said about Generaloberst Jodl should also be read into the record, or where it belongs, that is, right after the statement about Field Marshal Keitel. With regard to Field Marshal Keitel, I should like to emphasize that I intended to convey

that it was his manner towards the Führer which made it possible for him to get along with him for a long time, because if anybody else had been in that position, who had a quarrel with the Führer every day or every other day, then the work of the whole of the Armed Forces would have been impossible.

That is the reason and the explanation of what I wanted to express by that statement.

COL. POKROVSKY: The Soviet Prosecution has no further questions to ask the defendant.

THE PRESIDENT: Defendant, have you got the whole document before you? Was that the original document you had before you?

RAEDER: Yes.

THE PRESIDENT: In your writing?

RAEDER: No, it is typewritten. But it is signed by me.

THE PRESIDENT: Then the document can be handed to Dr. Siemers.

Dr. Siemers, do you want to re-examine beyond putting in that document? Have you any questions you want to ask in addition to putting in that document?

DR. SIEMERS: Yes, on account of the cross-examination made by Sir David Maxwell-Fyfe, I should like to re-examine, and I should like to ask for permission to do that after I have read this document, so that I can also cover the document tomorrow in this connection.

MR. DODD: Mr. President, the thought occurs to me with respect to this document—do I understand that the Tribunal will order copies to be distributed to all of the Defense Counsel? There are matters with respect to the defendants on which the Counsel might want to examine. They might be surprised.

THE PRESIDENT: I thought it was fair that Dr. Siemers should see the document.

MR. DODD: Yes. I have no objection to that. But my point is, that in the document there is reference to defendants other than the defendant represented by Dr. Siemers. And at a later date, if this document is not made known to the others by the reading of it or by the turning over to them in translated form, they may claim surprise, and lack of opportunity to examine on it.

THE PRESIDENT: I think some photostatic copies of the document should be made so that all the defendants referred to therein may be acquainted with the terms of the document.

MR. DODD: I just thought I would make that suggestion.

THE PRESIDENT: Yes.

[The Tribunal adjourned until 21 May 1946 at 1000 hours.]

ONE HUNDRED AND THIRTY-FIFTH DAY

Tuesday, 21 May 1946

Morning Session

[The Defendant Raeder resumed the stand.]

DR. SIEMERS: Admiral, with reference to your examination yesterday, I have to put the following questions to you in re-examination. Sir David was talking about the fact that before 1933 you had carried out rearmament behind the backs of the law-making bodies. I think that question, as such, has been clarified; but there is one supplementary question. On whom did it depend just what was submitted to the Reichstag?

RAEDER: On the Reichswehrminister.

DR. SIEMERS: And who was the Reichswehrminister at that time?

RAEDER: He was a member of the government and my direct superior. I had to submit everything to him which I wished to get.

DR. SIEMERS: And his name was Gröner, wasn't it?

RAEDER: Yes.

DR. SIEMERS: May I draw the Tribunal's attention to the extract from the Constitution which I have recently submitted as Exhibit Number Raeder-3, according to which Article 50 lays down that the Reich President gives all orders and decrees even where the Armed Forces are concerned. For their validity decrees require to be countersigned by the Chancellor or the Minister concerned. By the act of countersigning responsibility is accepted. In this, our case, the Reichswehrminister was the competent Reich Minister; and anything that was done afterwards with reference to the law-making bodies was a matter for the government to decide.

[Turning to the defendant.] Sir David has submitted to you Document C-17. It is the index of a book written by Colonel Scherff, called *The History of the German Navy from 1919 to 1939.* Was this book ever written?

RAEDER: As far as I know, only the index was compiled. I assume that if anything had been written, then it would have been submitted to me a long time ago, but I never heard of that at all.

DR. SIEMERS: May I remind the Tribunal that the American Prosecution, at the time when they submitted the document, pointed out that as far as they knew the book was not written.

[Turning to the defendant.] I believe that it is very difficult to base accusations on an index, but I want you to tell me, Defendant, when did you learn of this index?

RAEDER: It became known to me during my first interrogation by an American prosecutor.

DR. SIEMERS: Furthermore, Document D-854, which is GB-460, was put to you yesterday. May I come back to one question put by Sir David. On Page 1 Sir David had been reading as follows:

> "But if—as was stated—in nearly all spheres of armament where the Navy was concerned, the Treaty of Versailles was violated in the letter and all the more in the spirit—or at least its violation was prepared—a long time before the 16th of March 1935. . . ."

Then Sir David asked you: "Do you want to say that this is untrue?" You answered but you did not quite finish your reply, at least it never became quite clear what you said in the German or the English record. I want you to tell me why you are of the opinion that Assmann was not quite right in this respect?

RAEDER: It is an utter exaggeration. First of all, violations—as have been proved here in detail—were mostly of a very minor nature; and only the number of deviations may have given the impression that there were many violations. Secondly, in its essential points, we never actually filled the quotas allowed by the Versailles Treaty; in fact, we remained below the figures granted. Besides, only defense measures are involved, very primitive defense measures—Assmann's representations are just a great exaggeration.

DR. SIEMERS: What you are trying to say, therefore, is that Assmann's way of putting it "in practically every sphere of rearmament" is wrong?

RAEDER: Yes, probably Document C-32 will have led him to that conclusion because there were so many points. However, on closer examination they turn out to be very minor points.

DR. SIEMERS: With regard to the important points of rearmament, that is to say construction of large ships, the Navy did not violate the Treaty, did it?

RAEDER: No, no.

DR. SIEMERS: By repeating it three times, Sir David emphasized the fact that you had a great deal of confidence in Assmann. I have nothing to say against it, but beyond that I would like to put a supplementary question to you: Did you have that much confidence

in him, that in your opinion Assmann could pass a proper legal judgment? Was he a lawyer?

RAEDER: No. Assmann was a naval officer who was not used at the front any more. He was a very clever writer who had written a few volumes about the first World War. He wrote very well, but even the volumes on the naval warfare during the first World War were corrected a great deal by the persons concerned; but against him and his ability to write history nothing can be said.

DR. SIEMERS: I think you remember this document from yesterday. Is it a final historical work? Is it a final and corrected edition?

RAEDER: No. So far as I know, he had not got that far. He was making summaries and extracts from war diaries and records.

DR. SIEMERS: Assmann has written (Document D-854, GB-460):

> "If, in this light, there were plans for 'preparing the construction' in 1935 of twelve 275-ton submarines, six 550-ton submarines, and four 900-ton submarines, then one will have to consider the strategic points of view valid at that time."

Added together 22 were planned, and for the following year 14 submarines—by no means built, just planned. Are these figures correct in your opinion?

RAEDER: They are correct in my opinion. The only thing I am not sure about is the 900-ton type; I cannot quite explain that. I cannot remember that at that time we were building 900-ton boats. Apart from the 250-ton type, our first types were 550-tons, and only then did the 740-ton boats come. Perhaps he is thinking of those when he says 900-tons. We did not actually build 900-ton boats.

DR. SIEMERS: On Page 158, Sir David has read to you the following sentence, which I want to repeat because it needs clarification.

> "It is probably in this very sphere of submarine construction that Germany adhered least to the restrictions of the German-British Treaty. Considering the size of U-boats which had already been ordered, about 55 U-boats could have been provided for up to 1938. In reality, 118 were completed and constructed."

I want to remind you that in the original there is the Note Number 6 referring to a letter of the Chief of the Naval Budget Department . . .

RAEDER: Yes.

DR. SIEMERS: ... from the year 1942, presumably containing statistics on the construction of submarines as the years went by. I believe that these figures need to be clarified.

According to material at my disposal, it appears that these 55 U-boats were in accordance with the London Agreement; that is to say, in accordance with the 45 percent agreed on in 1935. You probably have not got the exact figure in mind, but is that roughly correct?

RAEDER: Yes, that is probably right.

DR. SIEMERS: And now, the Figure 118. That, according to material at my disposal, is also well-founded. That is the figure which corresponds to the 100 percent equality in regard to the tonnage of submarines. If we had 118 submarines, then our submarine equipment corresponded to that of Britain at that time. Is that so?

RAEDER: Yes, it is correct; and it is also correct that we included these later boats in the budget and had ordered them after we had seen Admiral Cunningham and his staff in Berlin on 30 December and had reached a friendly understanding in accordance with the agreement, allowing us to build 100 percent. The remark read at the beginning, saying that we had committed most violations in this sphere, is a complete untruth. Until the beginning of the war we only built such U-boats as we were allowed to build; that is to say, first 45 percent and later 100 percent. It was a great mistake, of course, that we did it.

DR. SIEMERS: Admiral, you have just said that it was a complete untruth. I think that, even if Sir David used that word against you, one ought not to pass such sharp judgment against Assmann. Do you not think, Admiral, that there was possibly a legal error on his part when ...

RAEDER: Yes, that may be.

DR. SIEMERS: ... he wrote these details and that he was not really thinking of what you have just told us had happened; namely, that in 1938 there had been an agreement between England and Germany, according to which Germany could now build 100 percent?

RAEDER: That is quite probable. When I said "untruth," I meant incorrectness.

DR. SIEMERS: May I remind the Tribunal that in the Naval Agreement of 1935, 100 percent was planned from the beginning and that Germany at first renounced that but had the right at any time to increase to 100 percent, provided that Great Britain was notified. The notification is presumably what you described, Witness; that is the negotiation with Admiral Cunningham?

RAEDER: Yes, that was on 30 December 1938, or it may have been 31 December.

THE PRESIDENT: Is the defendant saying that there was a notification to Admiral Cunningham on the 30th of December 1938? Is that what you said; that there was notification to Admiral Cunningham on the 30th of December 1938?

RAEDER: Admiral Cunningham came to Berlin, to this friendly negotiation which had been provided for in the agreement. On that 30 December we arranged with him that from now on, instead of 45 percent, 100 percent would be built.

THE PRESIDENT: Was that an oral arrangement or a written one?

RAEDER: It was a conference between the Chief of Staff of the Naval Operations Staff and Admiral Cunningham, and certain other individuals, but I cannot remember the details. However, I am pretty certain that minutes were taken.

THE PRESIDENT: Go on.

DR. SIEMERS: Mr. President, unfortunately, I have not been able to trace any written evidence. I only know from Exhibit Number Raeder-11, that is the agreement of 1935, that Germany could increase the tonnage, and the agreement of '37, that Germany had the duty to give notification. Generally, notification is only in writing in diplomatic relations, although, in my opinion, it was not necessarily a duty in this case. Negotiations, as the witness said, did take place.

RAEDER: May I, perhaps, add that apart from the submarine problem, the question of two heavy cruisers, which we had originally dropped, was also settled. We only wanted to build three for the time being; and now we were asking for assent to build the other two, to which we were entitled. That was also agreed upon in accordance with the agreement.

DR. SIEMERS: Document C-140 was put before you yesterday; it is USA-51. You will find it in the British Document Book 10a on Page 104. I want to put one sentence from that document to you again, which has not been quoted by the Prosecution, neither in November nor yesterday. It appears under Figure 2-c. There is the following statement—I want to add that this is the question of sanctions and the possible preparation of a defense against sanctions in 1935. I quote from 2-c: "For the time being I prohibit any practical preparations."

Witness, I want to ask you . . .

THE PRESIDENT: That is not 10a, 104.

DR. SIEMERS: Mr. Elwyn Jones has just been kind enough to point out to me the English translation. It appears from it that—as

I have also the English translation before me—that there are two documents C-140; one has one page and the other has two. One has not got a heading and is dated, Berlin, 25 October 1933. In my opinion it is the document . . .

THE PRESIDENT: That is the one on Page 104?

DR. SIEMERS: No, on Page 104 there is, as I just heard from Major Elwyn Jones, the other document, C-140, which has the heading, "Directive for the Armed Forces in Case of Sanctions."

THE PRESIDENT: Yes, and the date of it is 25 January 1933?

DR. SIEMERS: 25 October 1935, but that is a clerical error. It is 1933.

MAJOR F. ELWYN JONES (Junior Counsel for the United Kingdom): There appears to be another document which is not in the document book.

DR. SIEMERS: Mr. President, perhaps I may point out that the Document C-140, USA-51, presented by the Prosecution, must be the one I have referred to, because it tallies with the record; I mean the record of the session of 27 November. That is the document to which I have just now referred.

THE PRESIDENT: Is it C-140 or C-141?

DR. SIEMERS: C-140, the same number, and that is the same as USA-51.

Mr. President, perhaps to simplify matters, I may later, after today's session or tomorrow submit the Document C-140 in the, here presented, English and German text.

THE PRESIDENT: Read the document now and you can settle with Mr. Elwyn Jones about the proper notation of the document, whether it should be C-140 or whatever the exhibit number ought to be.

DR. SIEMERS: *[Turning to the defendant.]* In the version submitted by the Prosecution, preparation for the defense against sanctions is mentioned. I shall now read a further sentence to you, and I quote, "For the time being, I prohibit all practical preparations." Would it be right, therefore, that in 1933 nothing whatever was prepared by you in the Navy?

RAEDER: No. Apart from the ordinary state of preparedness, nothing was allowed to be done, in accordance with this order. This was merely a precaution on the Führer's part in order to take preparative measures in case the opponent might do something.

DR. SIEMERS: You see, the reason why I am asking you this is that yesterday in the cross-examination the preparations that you were supposed to have made in this connection were held against you.

I now come to Document C-189, which is USA-44. I beg to apologize for troubling the Tribunal in that I am asking them, if possible, to look at the document again. It is contained in Document Book Raeder 10, Page 14; and, incidentally, Sir David re-submitted it yesterday. Sir David attached great importance to the two words "against England." There under Figure 2 it says:

"The Ob.d.M. expresses the opinion that later on the fleet must anyhow be developed against England and that, therefore, from 1936 onward, the large ships must be armed with 35 centimeter guns like those of the *King George* class."

Would this mean that you were using the plans of the English for building ships of the *King George* class?

The only reason, therefore, why you were pointing this out was that you were considering the 35 centimeter guns used in the *King George* class by the British Admiralty?

RAEDER: Yes, it was the aim of every navy at that time to know as early as possible which was the largest caliber of guns being used by other navies. I said yesterday that, to start with, we had chosen as a model the French *Dunkerque* type, but later on we discovered that the British used up to 35.6 centimeters. Ships have to be used, if war breaks out, in their actual state; their gun caliber cannot be changed any more. Therefore we always went as high as possible.

DR. SIEMERS: Would I be right, therefore—please excuse me—if I said that the expression "against Britain" in this connection is not correct grammatically, that according to German language usage it should have said "with reference to England"?

RAEDER: Yes, it should have said "developing with regard to England." I said yesterday that it would have been quite senseless if I were to do something against Great Britain before the conclusion of the pact.

THE PRESIDENT: Dr. Siemers, that was fully gone into in cross-examination, and the defendant stated his explanation of the words used.

DR. SIEMERS: From Document C-190, which is the conversation on 2 November 1934 aboard the *Emden* between you and Hitler, Sir David has held up to you that Hitler, in a discussion with you and Göring, said that he considered the expansion of the Navy in the planned manner an absolutely vital necessity, since war could not be conducted unless the Navy safeguarded the ore imports from Scandinavia. It was said that this would have to be understood to mean that the Navy was planned in view of a war and in view of safeguarding the ore imports, which really meant aggressive intentions. Are you of the opinion that the British Navy was not planned

to safeguard imports to England or for the event of war and was not equipped accordingly?

RAEDER: No, there is not the slightest doubt about that.

DR. SIEMERS: Six submarines are mentioned in this document. Considering that figure, may I ask you to tell me the number of submarines that Germany would have needed in order to conduct an aggressive war?

RAEDER: Well, at any rate, many more than we had in October 1939, a multiple of that.

DR. SIEMERS: From a document, Mr. President, which was submitted yesterday, D-806, I want to quote, in addition to the second paragraph which has been quoted, the first paragraph and put it to the witness. It is D-806, GB-462, submitted yesterday at noon.

[Turning to the defendant.] There it says:

"1.) Reference: Submarine Construction Program. On 27 October 1936 I made decision regarding the full utilization of the still available U-boat tonnage according to the Naval Agreement of 1935 and regarding the immediate ordering of the construction of *U-41* to *U-51*."

Were these the rest of the submarines within the 45 percent limit to which we were entitled according to the Naval Agreement of 1935?

RAEDER: Yes, that is right, judging from the figures.

DR. SIEMERS: And then, Admiral, you have been very thoroughly questioned about Austria and Czechoslovakia. Since that subject has been gone into in detail, I shall confine myself to just one question: Did you, at any time, receive any tasks or orders of a foreign political nature from Hitler? And did he ask you for your advice especially in foreign political matters?

RAEDER: I was never asked for advice, and I had no foreign political tasks, unless you consider the duties which I had to fulfill in Bulgaria and Hungary after my resignation of a foreign political nature.

DR. SIEMERS: Regarding Czechoslovakia, that is, concerning the document about the "Rest Tschechei," you were asked whether Hitler had aggressive intentions against Prague at that time. I think the question ought to have been whether his intentions were for an aggressive war.

In connection with that, you have been asked about Göring's threat to bombard Prague, and you quite rightly admitted to Sir David that such a bombing would be a threat. Sir David commented on it as being near to aggressive war; but in order to be

quite clear, I want you to tell the Tribunal when you learned of this planned bombing.

RAEDER: Only after the whole matter had been settled, and only by way of conversation. I heard no announcement and I knew nothing else of it beforehand.

DR. SIEMERS: So you knew nothing of it before the occupation of Prague?

RAEDER: No, because military undertakings against Prague were altogether unknown to me.

DR. SIEMERS: Then there is the Document C-100. Mr. President, it was presented yesterday under the Number GB-464.

THE PRESIDENT: 463, I've got it.

DR. SIEMERS: I beg your pardon; 463.

[Turning to the defendant.] From that document I want to quote to you from Page 10. It is Page 3 of the attached document. I want to put the following sentence to you. I quote:

> "Führer asked Ob.d.M. whether there were any special wishes of the Navy with reference to bases on Dutch-Belgian coast. Ob.d.M. says no, since bases are within reach of the British coast and are therefore useless as submarine bases."

According to this, Witness, you were not in favor of an occupation of Belgian and Dutch bases, nor did you in any way occupy yourself with this question.

RAEDER: This was always my point of view, that from the experience of the first World War Belgium and Holland, as far as the Navy was concerned, could not offer any useful bases, since all forces were under the control of the British Air Force. In the first World War serious fighting occurred between the submarines leaving their ports and destroyers stationed nearby. Therefore I declared myself not to be interested in Belgium and Holland.

DR. SIEMERS: Skipping various documents, I now come to D-843, GB-466. This is a document in which Dr. Breuer from the Oslo Embassy expresses the view that the danger of a British occupation of Norway was not really very great and that certain actions were only taken in order to provoke Germany.

I have one more question on that. Did the Embassy in Oslo, that is to say Breuer, know about the information that Admiral Canaris was supplying to you?

RAEDER: I cannot tell you that, as far as I am concerned. I was never in direct contact with Dr. Breuer, only with the naval attaché; but I must add that Dr. Breuer had only been in Oslo for a comparatively short period and that apparently he was not

particularly well informed. The statements made by Norwegian Ministers were certainly not properly judged by him.

DR. SIEMERS: Was there not an order from Hitler that the Foreign Office should not be informed about probable plans concerning Norway?

RAEDER: Yes, he expressly ordered that, and it is obvious that for that reason the Reich Foreign Minister himself was informed very late.

DR. SIEMERS: In other words, as far as you can see, the ambassador could not have had Canaris' information through military sources.

RAEDER: No, hardly.

DR. SIEMERS: Then there were several documents, D-844 and D-845. It was put to you from those that there was no danger in Scandinavia. Was the information that you received at the time different?

RAEDER: Yes. I had continual information . . .

THE PRESIDENT: All this was gone into yesterday, and the witness gave the same answer.

DR. SIEMERS: I believe that the following has never been mentioned before. Did you know whether as early as 5 April mines had been laid in the territorial waters off Norway?

RAEDER: The Allies had announced it on 7 April, but the actual operations must have taken place a few days earlier.

DR. SIEMERS: Admiral, yesterday . . .

THE PRESIDENT: *[Interposing]* Dr. Siemers, the only purpose of re-examination is to bring out matters which are favorable to your client which have not been raised in cross-examination, that is to say, to explain anything which has not been given in cross-examination. When he has given this account in cross-examination it is no good putting it to him again in re-examination. We have heard it.

DR. SIEMERS: I think that on this particular point one explanation is missing.

[Turning to the defendant.] Yesterday you were asked, rather unexpectedly, what had been the technical changes since 1936 and how the legal situation regarding submarine warfare would have been influenced thereby.

RAEDER: Yes.

DR. SIEMERS: It is a somewhat difficult question to answer in two seconds. You have mentioned aircraft. Can you not supplement your statement?

RAEDER: Yes, I forgot the most important point due to the fact that there was a rather lively controversy. The important point is that the spotting of vessels at sea by aircraft was something quite new and had been developed very efficiently. That development continued very rapidly during the war, until submarines could very quickly be located and pursued.

DR. SIEMERS: Regarding D-841, which is the affidavit from Dietmann, may I, with the Tribunal's permission, make a formal application? In this affidavit, there is the following sentence:

"It is my personal opinion that the higher authorities of the Navy in Kiel and other places in Germany had knowledge of these dreadful things."

THE PRESIDENT: It isn't "had knowledge" but "must have had knowledge." It seems to me it is in the translation "must have had knowledge."

DR. SIEMERS: Yes. I have not got the German and I do not know how the original is worded. I only have the English translation. It is not quite clear to me how the German version was worded. May I ask the Tribunal...

THE PRESIDENT: Is the document put in in the original German or is it put in in the English? The deposition is in German presumably.

DR. SIEMERS: I presume that originally the statement was in German. The copy I have states that this is a translation and that is English, but I have not seen the German original.

SIR DAVID MAXWELL-FYFE: My Lord, there must have been a German copy for the witness yesterday. I don't know whether or not it is the original. I didn't see it but I assume it was.

THE PRESIDENT: It isn't the case that the deposition was made in German, then translated into English, and then translated back into German, was it?

SIR DAVID MAXWELL-FYFE: My Lord, that is why I assume it was the original. I am sorry this was done. I haven't got the original document in front of me but I assume that was so. I will find out in a moment for you.

THE PRESIDENT: Yes. What is the point, Dr. Siemers?

DR. SIEMERS: I believe that this sentence should be struck from the document. It does not record a fact.

THE PRESIDENT: You mean you are asking to have it struck out or...

DR. SIEMERS: Yes.

THE PRESIDENT: What do you say, Sir David?

SIR DAVID MAXWELL-FYFE: My Lord, the witness sets out fully the facts in the preceding paragraphs of the affidavit and then it is true that he introduces the sentence "By my personal opinion. . . ." but the gist of the statement is that from these facts which I have stated the higher formations of the Navy in Kiel and in other places in Germany must have had knowledge of these terrible conditions. A man who has been working in that detachment of the German Navy and knows the communications between that detachment and the headquarters is in a position to say whether headquarters would have knowledge from the facts he has stated. His inference has a greater probative value than the inference which the Court can draw. The objection to the statement of a matter of opinion is where the witness gives his opinion on a matter on which the Court is equally capable of drawing an opinion from the same facts, but the importance of that statement is that he is saying "working in the bow and being familiar with the chain of command and communications." I say that anyone at Kiel must have been able to learn from these facts what was going on at these places—so that is the narrow point, whether his special knowledge entitles him to express a view which the Court, without that special knowledge, would not be in a position to draw.

THE PRESIDENT: But ought he not theoretically to state all the facts; and if he does state all the facts, then the Tribunal will be in the same position as he is to form a judgment; and it is for the Tribunal to form the judgment.

SIR DAVID MAXWELL-FYFE: My Lord, that is exactly the point to which I was addressing my argument, that there is the additional fact, that because he was working there, was part of the chain of naval command and he is speaking of the knowledge of the naval command from the point of view of somebody who was working in it, and, therefore, he has on that point his opinion as to the sources of knowledge; and the necessity of constructive knowledge is an additional fact. My Lord, the state of a man's mind and the expression of his knowledge may be a fact in certain circumstances, just as much a fact as that stated, as Lord Bowen once put it.

THE PRESIDENT: Yes, if the state of his knowledge is directly relevant to an issue.

SIR DAVID MAXWELL-FYFE: Yes, My Lord, that is the point here.

THE PRESIDENT: It is a form of expert evidence.

SIR DAVID MAXWELL-FYFE: My Lord, in a sense, it is not as Your Lordship says, in a form, it is not in a usual form, but it is the evidence of somebody who has special knowledge. My

Lord, it is a well-known distinction, for example, in the laws of libel between the persons who have expert knowledge and the public at large; and, My Lord, the opinion of someone with a special knowledge of the facts must have probative value within Article 19 of the Charter. My Lord, if the provision that this Tribunal is not bound by the technical rules of evidence is to mean anything at all, I submit it should cover the expression of opinion on a point such as this; that is the ability to have knowledge, which is given by somebody who is in a special position to state such an opinion.

THE PRESIDENT: It is a very small point, Sir David, and we have got to decide the matter and form our own opinion about it; and this man isn't here for the purpose of being cross-examined for anything of that sort.

SIR DAVID MAXWELL-FYFE: No, that is so, My Lord, but, of course that, with respect, cuts both ways. I mean here he gives an affidavit and part of it as the basis leads up to that conclusion. I should respectfully submit that that conclusion is a statement of fact—but, if Your Lordship says so, the time will come when we can ask Your Lordship to draw that conclusion as a matter of argument ourselves; but, My Lord, on the general position, the only reason that I have occupied even this much of the Tribunal's time is that Article 19 is an important matter in the view of the Prosecution and, therefore, we have to argue against its being whittled down. It is the only reason that I've taken up the Tribunal's time.

DR. SIEMERS: Mr. President, may I just draw your attention to one point. Sir David has just been mentioning the well-known legal difference. That is just what I want to base my argument on, the difference between facts and opinions. Here it is a question of opinion and please note the following sentence does even go further; there, the witness is coming to a legal opinion and he is stating who is responsible; therefore, he is passing some sort of judgment. Furthermore, I beg you to consider that this is quite a minor official who, after all, cannot possibly make statements of such portent to the effect that higher formations in Kiel and some other places in Germany—he is quite vague—had some sort of knowledge.

THE PRESIDENT: The Tribunal will adjourn.

SIR DAVID MAXWELL-FYFE: My Lord, before the Tribunal adjourn, might I make a correction and an apology? My Lord, I thought that a copy in German had been put to the witness yesterday—of this affidavit; and apparently it was a copy in English. The original affidavit was sent off on the 6th of May; it was verified

over the telephone by Colonel Phillimore and it has not yet arrived. An English copy was sent and has been processed and the original will be put in as soon as it arrives. My Lord, I thought that we had got the original but apparently it has not yet arrived, but it is an English document put to the defendant.

THE PRESIDENT: Will you let Dr. Siemers see the original as soon as it arrives?

SIR DAVID MAXWELL-FYFE: Yes.

[A recess was taken.]

THE PRESIDENT: The Tribunal has carefully considered Dr. Siemers' application and it has decided that the passage to which he objects and which he asks the Tribunal to strike out in the affidavit of Walter Kurt Dietmann shall not be struck out in view of Article 19 of the Charter. The passage contains an opinion only, and the Tribunal will consider that opinion in relation to the whole of the evidence when it is before the Tribunal and will decide at that time the probative value of this opinion as well as the probative value of the other evidence.

DR. SIEMERS: Then I just have...

THE PRESIDENT: Dr. Siemers, may I remind you that you told us that your re-examination would take, you hoped, about half an hour?

DR. SIEMERS: Yes, Mr. President, I shall conclude very shortly.

[Turning to the defendant.] Admiral, in connection with this Commando decree which we discussed a good deal, Sir David yesterday put a case to you regarding the attack on the ship *Tirpitz*. In this connection I should like to ask you: Do you recall that in the testimony of Wagner there was the question of a British sailor named Evans?

RAEDER: Yes.

DR. SIEMERS: And do you recall also that, according to the affidavit of Flesch, Number D-864, GB-457, Flesch declared, "I am unaware of the fact that Evans wore a uniform"?

RAEDER: Yes.

DR. SIEMERS: Then I do not need to submit the document to you?

RAEDER: No, I recall it.

DR. SIEMERS: Do you recall further that it is said in Document UK-57, submitted on the same day as Wagner's testimony: "The British sailor Evans was captured wearing civilian clothing"?

RAEDER: Yes. I have the document here.

DR. SIEMERS: And that was one case where the SD, obeying the Commando order, committed a murder without the knowledge of the Navy?

RAEDER: Yes. This man had been apprehended by the SD or the Police, not by the Navy. He had only been interrogated in the meantime by the admiral.

DR. SIEMERS: The second case of which you are accused is the sabotage attack on German ships near Bordeaux. I clarified this situation in Wagner's testimony the other day.

Do you recall that his document also states that these men tried to escape to Spain in civilian clothes?

RAEDER: Yes, that is true.

DR. SIEMERS: Admiral, when using the small fighter craft mentioned yesterday under the command of Vice Admiral Heye, did our soldiers ever wear civilian clothing?

RAEDER: No, never.

DR. SIEMERS: Always in uniform?

RAEDER: Yes, always in uniform. These craft were a weapon just like submarines, speed boats, *et cetera.*

DR. SIEMERS: As my last point, Mr. President, I should like to point out that yesterday Colonel Pokrovsky submitted a document, USSR-460, which deals with the Moscow notes.

COL. POKROVSKY: My Lord, the point is that yesterday the Tribunal made a decision about submitting to the attorneys for the Defense extracts from USSR-460. Today the prosecutors have exchanged opinions among themselves; and the Prosecution of the United States, represented by Mr. Dodd; Sir David Maxwell-Fyfe for Great Britain; and myself for Russia, have agreed that it is necessary for us to request you to permit us to read into the record here today the three brief extracts referring to Dönitz, to Keitel, and to Jodl so that they will be included in the record. These are the excerpts which yesterday the Tribunal did not allow to have read into the record as evidence. If we understood the Tribunal rightly it was due to lack of time as the session was dragging on.

Due to these circumstances these three extremely important excerpts—important from our point of view—the accuracy of which was confirmed yesterday by the Defendant Dönitz, have not been included in the transcript of the session. For that reason I am requesting just about 5 minutes time to read these excerpts into the record today, on behalf of the Prosecution of the three countries.

THE PRESIDENT: What would be the most convenient course, Dr. Siemers? Would you like to have them read now so that you can put any questions upon them?

DR. SIEMERS: Mr. President, may I make some remarks about this document? The Soviet Delegation has been kind enough to put the original at my disposal. I perused the original yesterday, and I looked at the extracts. The Soviet Delegation desires to retain the original but has also been kind enough to put instead a photostatic copy of the extracts involved at the disposal of the High Tribunal. I am completely in agreement with the suggestion, but I personally do not have the intention of putting any questions on this document, which is clear to me.

THE PRESIDENT: Very well.

DR. SIEMERS: And so I would like to ask that the resolution put forth by the High Tribunal yesterday be upheld, that this should not be read, just as other documents were not read out either.

THE PRESIDENT: Colonel Pokrovsky, the document was originally in German. Presumably it has been translated into Russian; it has certainly been translated into English. Unless the French members of the French Prosecution want it read if it hasn't been translated into French there doesn't seem to be any use in taking up the time of the Tribunal by reading it into the record. We have got the document in English, and we have all read it.

MR. DODD: Mr. President, I think there is one reason. Even if it is read into the record, it will at least be tomorrow before the transcript is available for the defendants who are referred to, and this witness, or this defendant, will be off the stand. If they want to cross-examine about what he has said about them, then we will have, I suppose, to bring this defendant back on the stand. I think we will lose far more time by doing that, rather than now having Colonel Pokrovsky take 5 minutes to read it. They will all hear it, and then if they want to examine about it, they can do so promptly.

THE PRESIDENT: Very well, very well.

Dr. Siemers, if you don't want to ask any questions about it, you can conclude your re-examination now, and then Colonel Pokrovsky can read the document. Then any of the other defendants can question the witness if they want to, upon it.

DR. SIEMERS: Yes.

THE PRESIDENT: Would that not be the best way, Colonel Pokrovsky?

COL. POKROVSKY: Yes, certainly.

DR. SIEMERS: I agree, Mr. President, but I do believe that this document need not be read, because Mr. Dodd was somewhat mistaken when he said that the defendants are not familiar with this document. They and their counsel are thoroughly familiar with it. I believe everyone knows it, and I do not think that it needs to be read. However, in the final analysis, it really makes very little difference to me personally.

THE PRESIDENT: If the defendants' counsel do not want it read then the Tribunal does not want to have it read unless defendants' counsel want to ask questions upon it.

FLOTTENRICHTER KRANZBÜHLER: Mr. President, I, as defense counsel for Admiral Dönitz, am not interested in having the document read. I know the document.

DR. SIEMERS: I have just been advised that the Defense Counsel know the document and do not put any value on having it read nor do they wish to put any questions.

THE PRESIDENT: Well then, Mr. Dodd and Colonel Pokrovsky, it does not seem that it serves any useful purpose to have it read.

MR. DODD: No, I am satisfied, Your Honor. I have not heard from Keitel's attorney; I assume he is satisfied. I am just concerned that at some later date—a very interesting document to us, of course—and I am just concerned some question may be raised and I am also sympathetic to the desires of these defendants not to have it read publicly.

The Defendant Schacht's counsel has not spoken either. I think it might be well, Mr. President, if we had a careful statement from counsel for each of these men that they do not want to question or, if so, that we can be completely sure that it will not be raised again.

THE PRESIDENT: Well, I think the defendants' counsel are all here or all the defendants are represented and they must clearly understand what I am saying and I take it from their silence that they acquiesce in what Dr. Siemers has said, that they do not wish the document to be read and they do not wish to ask any questions.

COL. POKROVSKY: I have not understood your decision, My Lord. Are you permitting me to read into the record these few excerpts or are you not?

THE PRESIDENT: No, Colonel Pokrovsky; I am saying that as the defendants' counsel do not wish the document to be read it need not be read.

COL. POKROVSKY: We do give a great deal of importance and significance to this document as it involves not only the interests

of the Defense but also the interests of the Prosecution. The document was accepted by the Tribunal yesterday but for some reason only a very small part of the characterization given therein by Admiral Raeder was included in the stenographic record for the day. I do not see any reason why these excerpts should not be read into the record now, and why the witness Raeder, who intimately knew the Defendants Dönitz, Keitel, and Jodl, should not hear the excerpts here and now.

THE PRESIDENT: Colonel Pokrovsky and Dr. Siemers, the Tribunal ruled yesterday that it was unnecessary that the document should be read and the Tribunal adheres to that decision in view of the fact that the defendants' counsel do not wish it to be read and have no questions to put upon it.

Yes, Dr. Siemers.

DR. SIEMERS: Mr. President, I will now conclude my examination of Admiral Raeder. I do not know whether other questions will be put to Admiral Raeder.

THE PRESIDENT: Is there any question which has arisen out of the cross-examination which the defendants' counsel want to put?

FLOTTENRICHTER KRANZBÜHLER: I should like to put two questions, Mr. President.

[Turning to the defendant.] Admiral, in cross-examination you were confronted with orders and memoranda as to the U-boat warfare.

RAEDER: Yes.

FLOTTENRICHTER KRANZBÜHLER: Do you consider yourself responsible for these decrees dealing with the U-boat warfare which you issued during your term as Commander-in-Chief of the Navy?

RAEDER: I consider myself fully responsible for all decrees issued as to the U-boat warfare which took place under my responsibility as well as every naval operation which I ordered. In the Naval Operations Staff and together with the officers of the Naval Operations Staff I worked out these directives; I approved memoranda and in accordance therewith I gave my orders. The Commander of the U-boat fleet was solely the tactical commander of U-boats. He transmitted the orders and he carried through the details of the operations.

FLOTTENRICHTER KRANZBÜHLER: Admiral, yesterday Sir David charged you that he could not determine who actually gave the orders to change the log book of the U-boat which sank the *Athenia*. Admiral Godt testified in answer to my question that he had issued this order at the request of Admiral Dönitz. Do you know of any facts which would show this testimony of Admiral Godt to be incorrect?

RAEDER: Actually I was never concerned with this case. I only decreed the three points which have come up here several times.

FLOTTENRICHTER KRANZBÜHLER: Therefore, you consider Admiral Godt's testimony as being correct?

RAEDER: I assume that it is correct since everything else he said was very reliable.

FLOTTENRICHTER KRANZBÜHLER: I have no further questions, Your Honor.

THE PRESIDENT: The defendant can return to the dock.

DR. SIEMERS: Then, with the permission of the High Tribunal I should like to call my first witness, the former Reich Minister of the Interior, Severing.

[The witness Severing took the stand.]

THE PRESIDENT: Will you state your full name, please.

KARL SEVERING (Witness): Karl Severing. I am 70 years old and I live at Bielefeld.

THE PRESIDENT: Wait one minute. Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath.]

You may sit down.

DR. SIEMERS: Herr Minister, please tell the High Tribunal what role you played in the Social Democratic Party up until the year 1933 and the principal ministerial posts you held up until the year 1933.

SEVERING: At the age of 16½ I entered the labor union movement and when I was 18 years old I entered the Social Democratic Party and as a result of that fact I held honorary positions in the Party at a relatively early age.

In the year 1905 I became councillor in the city of Bielefeld. I was member of the Reichstag from 1907 until 1912; and I again became a member of the Reichstag and at the same time a member of the Prussian Diet in 1919. I was in the Reichstag and in the Prussian Diet until 1933. I was Minister in Prussia from 1920 until 1921; then again from 1921 to 1926, and from 1930 until 1933; from 1928 until 1930 I was Reich Minister of the Interior.

DR. SIEMERS: When and why did you leave public life?

SEVERING: I retired from official public life in July 1932, and from political life when the Social Democratic Party was prohibited.

DR. SIEMERS: Were you arrested when leaving public life in 1933, or perhaps at a later date and, if so, at whose order?

SEVERING: I was arrested on the very same day on which the Enabling Act was scheduled to be read and passed in the Reichstag. The order for my arrest was signed by the then Minister of the Interior, Herr Göring, who at that time was also President of the Reichstag and, if I may utter an opinion, who would have had the obligation, as President of the Reichstag, to protect the immunity of the members of the Reichstag. Under breach of this immunity I was arrested the moment I entered the Reichstag building.

DR. SIEMERS: But you participated in the vote on the Enabling Act?

SEVERING: The Chairman of the Social Democratic Reichstag faction had complained to Göring against the treatment to which I was subjected with the result that I was given leave to vote. But the voting had already come to a close. However, Reichstag President Göring still permitted me to give my "no" vote for the Enabling Act.

DR. SIEMERS: You were arrested thereafter but only for a very short time?

SEVERING: On the next day I had to appear for further interrogations. I was permitted to leave Berlin on the second day and was given the order to hold myself ready at my home in Bielefeld for further interrogations.

DR. SIEMERS: Despite your well-known anti-Nazi attitude, you were not arrested later and put in a concentration camp, if I am not mistaken.

SEVERING: I was never in a concentration camp, thanks to the respect—and I say this with all modesty—which the old Prussian officials, my previous subordinates, had for me. At the end of October 1933 I heard from the Police Chief in Bielefeld that trouble was brewing for me. The police notified me that they would not be able to give me any protection and advised me, therefore, to leave Bielefeld for several months. I followed this advice and, from October 1933 until the end of March 1934, I lived in Berlin using a false name. I first stayed with friends, and then I went to a small Jewish sanatorium at Wannsee. I feared another arrest in August 1944; according to someone whom I knew in the police my name was on a list of people who were to be arrested summarily—men and women who were suspected of having plotted against Hitler in July 1944.

THE PRESIDENT: Did you say '44 or '34?

DR. SIEMERS: '44. After the attempted assassination of Hitler of July 1944.

SEVERING: May I continue?

DR. SIEMERS: Please do.

SEVERING: After the attempted assassination of Hitler orders were given to the police to arrest certain people. My name was on the Bielefeld list. Then a police official whom I knew from the past pointed out that I was close to my seventieth year and had lost my son in the war. Thus he succeeded in having my name struck off the list.

DR. SIEMERS: Aside from what you have told us now, did you suffer any further disadvantage at the hands of the National Socialists?

SEVERING: Well, I was considerably hindered in my movements. I was not especially surprised that my mail was censored and my telephone tapped. I considered that as a matter of course. But I could not even take a trip without being followed and watched by the police.

If you do not mind, I should like to call your attention to the fact that in addition to material damages there is also harm to one's ideals (ideelle Schädigungen), and in this respect I suffered a great deal at the hands of the National Socialist Party after it assumed power. A political measure, taken in connection with the polls of 1932, was used against me, I might say, in a criminal way. They talked about me and my friend Braun as the "thieves of millions," and this epithet was also applied to the members of my family.

THE PRESIDENT: Dr. Siemers, is this witness going to give any evidence which has relevancy to the defendant's case?

DR. SIEMERS: Yes.

THE PRESIDENT: Well, bring him to it then as quick as possible.

DR. SIEMERS: Very well.

[Turning to the witness.] Herr Minister, try to be as brief as possible in this connection. It is of course true that with respect to your ideals you suffered harm as well, but as the basis of my examination and your testimony I would like to ascertain whether serious harm was caused to you and I would like to have you tell us, but briefly, whether National Socialism...

THE PRESIDENT: Dr. Siemers, what relevancy has this got to Raeder's case?

DR. SIEMERS: Mr. President, my intention is to show that Minister Severing, after a brief description of his life during Nazism can, without bias, give entirely impartial answers in reference to Raeder. Since he had no advantages but rather disadvantages at the hands of the Nazis and on the other side...

THE PRESIDENT: Well, you have dealt sufficiently with the disadvantages now. Go to the matter which relates to Raeder. He has given us, from 1933 to 1944, a fairly general account of his life and that ought to be sufficient.

DR. SIEMERS: The Prosecution accuses the Defendant Raeder, that in his capacity as Commander-in-Chief of the Navy he violated the Treaty of Versailles, in the intention of carrying on aggressive wars, and that behind the back of the Reich Government. In order to shorten the testimony, I would like to point out to you that it is an undisputed historical fact that Germany, in developing her Navy within the framework of the Versailles Treaty, violated the stipulations of the Versailles Treaty. All that is known to the Tribunal. Even before this time, the government applied for the construction of armored cruiser *A* within the compass of the Versailles Treaty. A great inner political conflict arose over the construction of this cruiser and, in connection with a debate before the Reichstag on this cruiser, the witness made a speech. I have a brief excerpt from this speech which I should like to submit to you and which I should like to read. Mr. President, this is Exhibit Number Raeder-5, to be found in Document Book 1, Page 13. This is an extract from a speech by the former Reichsminister Karl Severing before the German Reichstag on 20 January 1928.

[Turning to the witness.] Herr Minister, at this period of time you were not a Minister; rather, you gave this speech as a deputy of the Social Democratic Party?

SEVERING: Yes, that is correct.

DR. SIEMERS: The extract reads:

"Now the armored cruiser. The fact that a government, which knows precisely what gigantic sums we must raise during the coming year, should make such demands, is, to say the least, quite surprising. It says, the Peace Treaty permits it—yes, but the Peace Treaty also decrees the payment of reparations. The 9,300,000 marks demanded for this year will play their decisive part only in the consequences entailed which would require the raising of several hundred million marks, which during the next few years seems to me absolutely impossible. Considering the development of weapons for naval warfare, I am not convinced of the military value of armored cruisers. It may be that armored cruisers are the backbone of the defense at sea, as the government says. But, to form an active fighting unit (Gefechtskörper), the backbone must also be made up of other elements, of U-boats and airplanes; and as long as we are not allowed to build these, armored cruisers are of very little value even for defense."

Is that extract from the speech correct?

SEVERING: Yes, that extract is reproduced correctly.

DR. SIEMERS: Is it right to conclude here that the Social Democratic Party and you, personally, at that time, were of the opinion that the Wehrmacht which was granted Germany by the Versailles Treaty might not be sufficient for a defensive war?

SEVERING: That is correct.

DR. SIEMERS: Will you please comment on that a little more extensively.

SEVERING: That the 100,000-man army granted to Germany was not sufficient even for a defensive war was and is known today possibly to everyone in Germany concerned with politics. Germany got into a very bad situation with regard to her eastern neighbors since the establishment of the Corridor. The insular position of East Prussia forced Germany even at that time to take measures which I reluctantly helped to carry out; but the population of East Prussia had a right to be protected against attacks which were threatening from the East. I am not speaking about an aggressive war and I am not speaking of any plans of the Polish Government; but I would like to refer you to the fact that in the years 1919, 1920, and 1921, there were aggressive groups in Poland who set foot on German soil, possibly with the idea of establishing a *fait accompli* . . .

THE PRESIDENT: Dr. Siemers, this evidence is all a matter of argument. Not only is it a matter of argument, but we have had it over and over again from nearly all the defendants and a good many of their witnesses; and, surely, it is not assisting the Tribunal in the very least to know what this witness said in 1928 or what view he took in 1928.

DR. SIEMERS: May it please the High Tribunal, I believe this will become clear in the following. Minister Severing was a member of the government that held this cabinet meeting of 18 October 1928. I agree with the High Tribunal that the matters have been heard frequently—these things only once, however—but I should like to point out that Sir David even yesterday in cross-examination accused the defendant, despite his testimony, that, against the will of the Reich Government and against the wish of the Parliament, he had violated the Treaty of Versailles. If, therefore, after the testimony of Raeder, the Prosecution persists in their opinion, I have no other possibility to prove the incorrectness of the opinion of the Prosecution than by questioning a witness who . . .

THE PRESIDENT: The question whether the Treaty of Versailles was violated is a question of fact and, of course, upon that

you can give evidence and you did give evidence through the Defendant Raeder; but this witness is not talking about the question of fact. He is arguing that Germany was entitled to defend herself in violation of the Treaty of Versailles. That is what I understood his evidence to be and that is a question of argument, not a question of fact.

DR. SIEMERS: Mr. President, as far as I know juridically . . .

THE PRESIDENT: Dr. Siemers, the class of evidence which has just been given by this witness will not be listened to by the Tribunal. If you want to prove facts by him, you can prove them, but you cannot prove arguments or his views upon arguments.

DR. SIEMERS: Could Germany with her Wehrmacht protect herself against the incursions in Silesia by Poland?

SEVERING: In the year 1920 the Wehrmacht would not have been able to protect Germany in East Prussia; therefore, it was necessary to protect the population of East Prussia, and this was achieved in that I, personally, agreed that all weapons which were found in East Prussia were to be given to the population. Under conditions which applied at that time, it was, even for purposes of inspection, very hard to pass through the Corridor by rail; so that in 1920, I had to make a tour of inspection by way of water from Stolpmünde to Pillau. I am mentioning this fact to show the difficulties of transportation through the Corridor. In 1920 and '21, it was not possible for the German Wehrmacht to prevent attacks of Polish insurgents in Upper Silesia and, I am sorry to say, and I emphasize "I am sorry" that a certain self-defense had to be created in order to protect and defend German life and German property.

DR. SIEMERS: Herr Minister, were the measures with regard to rearmament as they were wanted and accounted for since January 1928 by Reichswehrminister Gröner based on defensive or offensive ideas as far as you know Gröner?

SEVERING: As far as I am acquainted with Gröner and his own personal way of carrying on his office, everything that he conceived and carried out was in view of defense.

DR. SIEMERS: Then this should also apply to the armored cruiser *A*. I should like to know why the Social Democratic Party, which was interested in the idea of defense, was against the building of this armored cruiser.

SEVERING: In 1928 the Social Democratic Party was against the building of the armored cruiser as the economic situation did not warrant expenses which were not absolutely necessary. And the Social Democratic Party wanted to prove and to show that

they did everything within their power in order to make the much-discussed disarmament a reality. They did not believe that the building of an armored cruiser would be a favorable gesture for the bringing about of appropriate negotiations.

DR. SIEMERS: On 28 June 1928 a new Reich Government was formed. Müller was Reich Chancellor; Stresemann was Foreign Minister, and you were Minister of the Interior. What position did your government take to the then pending problem of universal disarmament stipulated in Versailles, or to the then pending problem of rearmament by Germany?

SEVERING: I have just made a reference to this problem. We were of the opinion in the Social Democratic Party, even after entering the Müller government, that we would have to use all our efforts in order to solve just this problem. In September of 1928 the then Reich Chancellor Müller, replacing the Foreign Minister Stresemann who was ill, went to Geneva in order to bring this problem up before the League of Nations. Müller made a very resolute speech which, if I remember correctly, was received very coolly by Allied statesmen; so that any practical suggestions for the realization of disarmament could not be hoped for in the near future.

DR. SIEMERS: Herr Minister, in July 1928 you spoke with Reichswehrminister Gröner about the budget and specifically about the fact that secret budgets of the Wehrmacht, on the armored cruiser and so forth, had become known. What attitude did you take in this connection and what were the results following your agreement with Gröner?

SEVERING: In order to answer this question I would like to touch again on the extract from my speech, which you just submitted to the High Tribunal. In the same Reichstag session in which I gave this speech, the Reichswehrminister Gröner appeared for the first time as successor of Gessler. I had said a few farewell words in honor of Gessler who was leaving. I greeted the new Minister with the remark that my political friends would show him respect, but that he would have to earn our confidence first. It was probably while thinking of this remark that Gröner came up to me in the first session of the Müller Government and said that he was looking forward to a sincere collaboration with me. I quoted a passage from *Iphigenie* on that occasion, "May there be truth between us." Only complete sincerity would make possible fruitful co-operation, I said.

THE PRESIDENT: Dr. Siemers, the Tribunal thinks that this is an absolute waste of time and this speech of the witness is entirely irrelevant. Why do you not ask him some questions which have some bearings on the case of Raeder?

DR. SIEMERS: Mr. President, may I remind you that the Prosecution has made the accusation that the rebuilding was undertaken by means of a secret budget and that a secret rearmament was carried on with the idea of starting wars of aggression. It is not quite clear to me how I can cross-examine the witness in any other way than by asking him how these secret budgets, which to a certain extent are practically identical with violations of the Versailles Treaty, were dealt with in his government. That is exactly what I just questioned the witness on.

THE PRESIDENT: This speech that you have drawn our attention to is simply a speech in which he said that he did not think that armored cruisers were of any use. That is the only meaning of the speech, except insofar as it refers to the fact that reparations had not been paid. For the rest it simply says that armored cruisers, in his opinion, are of no use.

DR. SIEMERS: Mr. President, I may not and do not wish to make a plea here. In the speech which I read something else is said. It says there that the Social Democratic Party was against the building of this armored cruiser, because of economic reasons and not because of strategic reasons, and that if an armored . . .

THE PRESIDENT: What has that got to do with a charge of making an aggressive war in 1939?

DR. SIEMERS: Mr. President, I did not raise the accusation of an aggressive war; the Prosecution did that, but I have to protect my client against the accusation that in 1928 he had intentions of carrying on an aggressive war; I assert that he had no intention of that sort, that the Reich Government knew about the violations of the Treaty, that the Reich Government took the responsibility for them, and the testimony of the Minister will show that these are actual facts which were challenged only yesterday.

THE PRESIDENT: Ask him some direct questions on issues of fact. Then the Tribunal will listen to them if they are relevant, but the Tribunal considers that the evidence of his speech that you have been dealing with is an utter waste of time.

DR. SIEMERS: I shall try to be brief. As a result I shall put questions to the witness which he will answer one by one.

[Turning to the witness.] You just said that you demanded of Gröner confidence and absolute truthfulness. Did you ask him in this connection for enlightenment on the secret budgets and the violations of the Treaty of Versailles which had taken place up to that time?

SEVERING: I specifically asked him for enlightenment since, in January of 1928, the then Reich Chancellor Marx had frankly admitted that under Kapitän Lohmann in the Navy Department

there had been misrepresentations in the budget which could not be in accordance with good bookkeeping and political honesty.

DR. SIEMERS: What did Gröner reply?

SEVERING: Gröner then told me that he had the intention of discussing these matters at a cabinet meeting and of clarifying all these matters.

DR. SIEMERS: Were the commanders-in-chief of the two branches of the Wehrmacht to be present at this meeting?

SEVERING: On 18 October they were to appear and did appear.

DR. SIEMERS: Herr Minister, when did you meet Admiral Raeder for the first time?

SEVERING: The first official contact, according to my recollection, was made the beginning of October 1928, probably on the day when he paid me an official visit on my assuming office.

DR. SIEMERS: As Exhibit Number Raeder-6, I submitted to the High Tribunal, as the High Tribunal will probably recall, a speech by Raeder dated 23 January 1928. There was a covering letter with this document. This letter will now be submitted to the witness. *[Turning to the witness.]* According to this document, did your meeting with Raeder take place on 5 October 1928, 5 days after the appointment of Raeder as Commander-in-Chief of the Navy?

SEVERING: This discussion probably took place on that day. May I mention . . .

DR. SIEMERS: Just a moment, Herr Minister. I think it will be safer if you look at the letter. There it says: "Following our discussion of 5 October . . ." May I ask you to confirm to the High Tribunal that this report made by Raeder was saved by you and that it is a true and authentic copy?

SEVERING: The letter which I put at your disposal is the original of the letter by Raeder. It is in accordance with the incidents which you just mentioned.

DR. SIEMERS: Then, on 5 October this conversation with Raeder did take place. Were the conversations between you and Raeder basically in accordance with the ideas expressed in this speech?

SEVERING: Yes.

DR. SIEMERS: Do you recall that in this speech Raeder declared emphatically that a war of aggression was a crime?

SEVERING: Yes, I remember that.

DR. SIEMERS: Did you on the occasion of this conversation tell Raeder that you had agreed with Gröner that the actual violations of the Treaty of Versailles would have to be discussed and clarified and that a cabinet meeting would have to be held?

SEVERING: I do not recall this detail, but it was quite probable.

DR. SIEMERS: Did you demand of Raeder that between yourself and him there should be absolute sincerity and truthfulness?

SEVERING: Of Raeder, too, but especially of the chiefs of the Army.

DR. SIEMERS: As a result of this discussion with Raeder, did you have the impression that you could work with Raeder in a satisfactory manner and that he would tell you the truth?

SEVERING: Yes, I had that impression.

DR. SIEMERS: On 18 October 1928 the cabinet meeting which we have already mentioned took place. May I ask you to describe briefly that cabinet meeting, provided it is agreeable to the High Tribunal to have the witness picture this session. I believe that a description of this session would save time, rather than to have me ask single questions. Therefore, Herr Minister, be brief in telling us what happened.

SEVERING: At this session, members of the cabinet were familiarized with the details of what might be considered a concealment of the budget or violations of the Versailles Treaty. Both gentlemen, the Commander-in-Chief of the Army and the Commander-in-Chief of the Navy, spoke, if I remember rightly.

DR. SIEMERS: Did the entire cabinet attend?

SEVERING: Yes, perhaps with the exception of one or two members who were ill, but it was a session which in general might be called a plenary session.

DR. SIEMERS: The principal members were present?

SEVERING: Yes.

DR. SIEMERS: Were Müller, Stresemann present?

SEVERING: I cannot tell you whether Stresemann was present. He was still ill in September and whether he had recovered by 18 October, I cannot say. But I might add, that if Herr Stresemann was not present, certainly someone else was present as an authorized deputy from the Foreign Office.

DR. SIEMERS: Did Admiral Raeder and General Heye at this meeting expressly give the assurance to the cabinet—as I remember, in form of an affidavit—that only those violations had occurred which were mentioned by them?

SEVERING: Whether that was proclaimed in a solemn manner by affidavit or by word of honor, I cannot say; but, in any event, at the request of the Reich Chancellor and especially at my own request, they said that no further violations would take place.

DR. SIEMERS: They assured you specifically that there would be no further violations without the knowledge of the Reich Government?

SEVERING: Yes, exactly that.

DR. SIEMERS: And over and above that, they stated that now the Cabinet knew about everything?

SEVERING: Yes.

DR. SIEMERS: A declaration to that effect was made?

SEVERING: Yes, such a declaration was made.

DR. SIEMERS: Were important matters connected with these secret budgets or violations of the Treaty of Versailles?

SEVERING: I may state here and have to admit even that since I was used to violations of the Versailles Treaty, I was especially interested in the extent of the violations with regard to the sum. I wanted to know what I could do in my new capacity against secret arms-bearers and against illegal organizations; and I asked what was the total sum involved. I was thereupon told—and I believe that this was set down and confirmed in writing later—that perhaps 5½ to 6 million marks was the amount involved in these secret budgets.

DR. SIEMERS: Herr Minister, you remember the budget figures of those days better than I do. What can we gather from these figures? Must we conclude that they were grave violations involving aggressive intentions or may we gather that in the final analysis they were just trifles?

SEVERING: I do not have the figures as they apply to the budget plans of the Navy and the Army. I cannot quote the figures from memory. But the impression I gained from the reports of the two Wehrmacht leaders was that only trifles were involved. It was this impression which caused me to assume a certain political responsibility for these things, and especially in view of the fact that we were assured that further concealment of budget items or other violations were not to occur in future.

DR. SIEMERS: Do you remember that Gröner at this session declared that the small infringements of the Treaty dealt purely with defense measures, with antiaircraft guns, coastal fortifications, *et cetera*?

SEVERING: I cannot give you the details today, but I might remind you that all the speeches which Gröner made at the time when he was Defense Minister were along these general lines. In all of his speeches in the Reichstag, Herr Gröner expressly declared that he was an advocate of sound pacifism. In answer to your

question I reply that Gröner's statements, and also my own, were based on defense and defensive measures.

DR. SIEMERS: In other words at the end of this session, the Reich Government expressly accepted the responsibility for these infringements and the small secret budget items?

SEVERING: To the extent that we have mentioned.

DR. SIEMERS: Did Raeder in the future adhere to the clear directives of the Reich Government?

SEVERING: I cannot answer that in a positive manner, but I can say that I did not observe any violations on the part of the Navy in respect to the agreements during my term of office as Minister of the Interior.

DR. SIEMERS: Are you personally of the opinion, since you know Raeder sufficiently well, that he kept the promise he made to you not to resort to secret violations?

SEVERING: Raeder gave me the impression that he was an honest man and I believed that he would keep his word.

DR. SIEMERS: Just one more question, Herr Minister. Of course, you cannot remember the details, but do you perhaps recall that on the occasion of the cabinet meeting of 18 October there was discussion about a Dutch firm which was designing U-boats?

SEVERING: No, I cannot give you details of the discussion; but I do know that at that period of time, there was much talk—either in another cabinet meeting or by a subcommittee of the Reichstag or by a different parliamentarian body—of experimental workshops which had been established for the Army and the Navy in Russia, Sweden, and Holland.

DR. SIEMERS: Purely experimental workshops?

SEVERING: I can say only that there was talk to this effect. Whether these experimental workshops had been established I cannot tell you from my own experience.

DR. SIEMERS: Herr Minister, could Germany, by reason of governmental discussions going on at the time, hope that some day, despite the Versailles Treaty, she would be permitted to build U-boats?

SEVERING: The leading statesmen . . .

THE PRESIDENT: Dr. Siemers, how can he answer that there was a hope that they would be allowed to build U-boats? That is what your question was, was it not; was there a hope?

DR. SIEMERS: I know, Mr. President, these questions were already dealt with by the governments which obtained through the years 1928 to 1932; and I believe that Stresemann carried on these

discussions. Since Stresemann is no longer alive, I would like to ask Herr Severing on this point.

THE PRESIDENT: It seems to the Tribunal that it is mere political gossip.

DR. SIEMERS: Herr Minister, on whom did it depend what was brought up in the Reichstag? Raeder is accused of acting behind the back of the Reichstag. Who submitted this to the Reichstag? Did Raeder do that?

SEVERING: I do not quite follow you. Who submitted the budget, you mean?

DR. SIEMERS: Yes.

SEVERING: The budget went through the hands of the experts of the various Ministries and the entire Cabinet, and the budget was submitted to the Reichstag by the Cabinet.

DR. SIEMERS: The matter of dealing with the budget before the Reichstag was a matter for the Reich Government and not for the Commander-in-Chief of the Navy, is that right?

SEVERING: Inasmuch as a budget item was submitted to the Reichstag, the competent Reich Minister took care of it in the main committee and the plenary session of the Reichstag, but the political responsibility was assumed by the entire Reich Cabinet.

THE PRESIDENT: It was never alleged as to the Defendant Raeder that he had submitted the budget to the Reichstag; it was never put to him.

DR. SIEMERS: Mr. President, yesterday it was asserted . . .

THE PRESIDENT: Don't argue! Go on with any other questions.

DR. SIEMERS: Do you recall whether at the end of 1929 you talked with a member of the government with regard to the various leading personalities in the Wehrmacht, and that you made a comment which subsequently became known concerning certain personalities?

SEVERING: Yes, it is correct that on one occasion I had been asked to give a personal estimate of certain military personalities. I named Gröner and Raeder in this connection.

DR. SIEMERS: Herr Minister, how many concentration camps do you know of?

SEVERING: How many do I know of now?

DR. SIEMERS: I am sorry; not now. How many did you know of before the collapse of Germany?

SEVERING: Perhaps 6 to 8.

DR. SIEMERS: Herr Minister, did you know before the collapse of Germany or rather did you know in 1944 already about the mass murders which have been dealt with so frequently in this proceeding?

SEVERING: I gained knowledge of concentration camps when murder, if I may say so, became professional and when I heard of a few cases which affected me personally very deeply. First of all, I was told that the Police President of Altona, a member of the Reichstag and a Social Democrat of the right wing of the Party, had been murdered in the concentration camp at Papenburg. Another friend of mine, the chairman of the Miners Union, Fritz Husemann, is said to have been murdered shortly after his being committed to the same concentration camp. Another friend of mine, Ernst Heimann, was beaten to death in the Oranienburg Camp according to the reports received by his family.

Dachau was known even in the north of Germany as a concentration camp. Some Jewish inmates returned from Buchenwald in the spring of 1939, and in that way I learned of this camp. Columbia House at Berlin I figured to be a concentration camp also.

That was my only knowledge of camps and their horrors up until the time when the London radio started to report about concentration camps. I perhaps might mention another case. In 1944 a friend of mine, a member of the Reichstag, Stefan Meier, who had served 3 years in the penitentiary, was put into a concentration camp in or near Linz. After a brief stay there he was murdered, according to reports received by his family.

DR. SIEMERS: Herr Minister, you just heard of these and similar individual cases?

SEVERING: Yes.

DR. SIEMERS: You were not familiar with the fact that thousands were murdered every day in gas chambers or otherwise in the East?

SEVERING: I believed I should tell the High Tribunal only of those cases which were, so to say, authentically reported to me. Everything I learned of later through indirect reports, from my friend Seger or from the book of the now Generalintendant Langhoff, had been told me but I had no possibility of checking up on their accuracy.

DR. SIEMERS: Herr Minister, did you and your Party friends have the possibility . . .

THE PRESIDENT: Dr. Siemers, are you going to finish this examination, or are you going on? Do you see the clock?

DR. SIEMERS: Yes, I should like to leave the decision to the High Tribunal as to whether we shall have a recess now. I understand there will be a cross-interrogation so that . . .

THE PRESIDENT: Yes, but presumably you know what questions you are going to ask; I don't.

DR. SIEMERS: I cannot say exactly what answer the witness is going to give. It might take perhaps another 10 minutes, Your Honor.

THE PRESIDENT: Very well. We will adjourn now till a quarter past 2 o'clock.

[The Tribunal recessed until 1415 hours.]

Afternoon Session

THE PRESIDENT: The Tribunal will not sit on Saturday morning.

Now, Mr. Dodd, could you tell us what the position is with reference to the documents of the Defendants Von Schirach, Sauckel, and Jodl?

MR. DODD: As far as Von Schirach is concerned, we are waiting for a ruling on those documents concerning which we were heard on Saturday. I'm sorry, that was on Seyss-Inquart. I wasn't sure the documents were ready.

These documents are all ready; they are all translated and in book form.

THE PRESIDENT: Will it be necessary to have any further discussion of them?

MR. DODD: I believe not, Mr. President.

THE PRESIDENT: Very well, then, we can take it that we needn't have another argument about those documents.

MR. DODD: No, Sir, I comprehend no need for any further argument on Von Schirach's documents.

With reference to Sauckel, I have asked our French colleagues what the situation is, since they have the primary responsibility. And so far as the Prosecution is concerned, I am told that Mr. Herzog of the French Prosecution staff is on his way here and he will be able to report more accurately.

THE PRESIDENT: Well, we can mention that at a later stage then. Schirach at any rate then is ready to go on?

MR. DODD: He is ready to go on.

THE PRESIDENT: Very well.

MR. DODD: Sir David has the information about the Defendant Jodl.

SIR DAVID MAXWELL-FYFE: Mr. Roberts.

MR. ROBERTS: My Lord, the position with regard to Jodl's documents is that Dr. Jahrreiss produced for me a draft book, just before Easter, which had a certain number of documents, all except four of which had already been exhibited, and therefore no objection could be taken to them.

My Lord, the other four were all short. Two, I thought, were objectionable on the ground that they referred to alleged war crimes by one of the Allies. But, My Lord, they were so short that I thought the best course would be for them to be translated—they were only

a page or so, each of them—so that when the books had been translated any objection could be taken, and then the Tribunal could shortly decide the matter.

THE PRESIDENT: Well, as there are only four of them and only two which might be objected to, that can be dealt with when we come to hear the case.

MR. ROBERTS: My Lord, there are only two.

THE PRESIDENT: We needn't have any special hearing for it.

MR. ROBERTS: No, My Lord, certainly not. It could be disposed of in a very few minutes.

PROFESSOR DR. FRANZ EXNER (Counsel for Defendant Jodl): Mr. President, I should like to say one more word about these Jodl documents. We are having difficulties over one document. It is the affidavit of Lohmann, which we submitted in German, but which was not translated into English for us on the grounds that only such documents could be translated which the Prosecution had already accepted; and the Prosecution had adopted the standpoint that it cannot express any opinion on that document as it has not been translated into English.

I have mentioned this in a brief petition to the Tribunal, and I hope that the Tribunal will settle the matter.

MR. ROBERTS: My Lord, Lohmann's affidavit which is very short—it goes principally to character—and it is really not objectionable, but I had to point out that it hadn't actually been allowed by the Tribunal in their order. The Tribunal ordered it in regard to . . .

THE PRESIDENT: If it is accepted in the translation, that is all that is necessary.

MR. ROBERTS: My Lord, I entirely agree, and it is all on one page.

THE PRESIDENT: Yes, very well. Let it be translated.

MAJOR JONES: May it please the Tribunal, it may be convenient for me to indicate to the Tribunal at this stage of Raeder's case that with regard to the witness Lohmann, the Prosecution does not now desire to cross-examine that witness in view of the documents which are before the Court, and the fact that the matters his affidavit dealt with were dealt with yesterday by my learned friend Sir David Maxwell-Fyfe, in his cross-examination of Raeder, and finally, in view of the passages of time.

THE PRESIDENT: Do any other members of the Prosecution want to cross-examine Lohmann?

MAJOR JONES: No, My Lord.

THE PRESIDENT: Do any of the defendants' counsel want to ask any questions of Lohmann?

Very well, then I understand that the witness Lohmann is being kept here and perhaps a message could be given to the Marshal that he needn't remain.

M. JACQUES B. HERZOG (Assistant Prosecutor for the French Republic): Mr. President, in the name of the French Prosecution I should like to say a word about the documents presented by Sauckel's defense. I have no objection to the presentation of these documents with the reservation, of course, that a ruling on them be made after they are presented. We have no objection to the documents being translated or presented.

THE PRESIDENT: Do you think it is necessary or desirable for there to be a special hearing with reference to the admissibility, or can that be done in the course of the Defendant Sauckel's case? At the moment I apprehend that the documents have been looked at for the purpose of translation. They have now been translated. If you think it necessary that there should be any special hearing before the case begins, as to admissibility, we should like to know. Otherwise they would be dealt with in the course of the case, in the course of Sauckel's case.

M. HERZOG: I think, Mr. President, it will be sufficient if the Tribunal deals with these documents during the course of the defendant's case. I do not think we need a special hearing as far as these documents are concerned.

THE PRESIDENT: Very well.

DR. SIEMERS: Minister Severing, as far as I have been able to ascertain, you have inadvertently not yet answered one of my questions clearly.

With reference to the concentration camps you said that you had heard of certain individual cases, and you named the individual cases. In order to avoid any misunderstanding, I just want to ask you in conclusion: did you hear of the mass murders which have been mentioned in this Trial, whereby at Auschwitz, for instance, an average of about 2,000 persons a day were exterminated in the gas chambers? Were you in possession of this knowledge before the collapse, or did you not know anything about that either?

SEVERING: I knew nothing whatsoever about these mass murders, which only became known in Germany after the collapse of the Hitler regime, partly through announcements in the press and partly through trials.

DR. SIEMERS: Minister Severing, what could you and your friends in the Party do during the National Socialist regime, against

the National Socialist terror which you have partly mentioned, and did anyone abroad support you in any way in this respect?

SEVERING: If you will limit the question to asking what I and my political friends could do and did do after 30 January to combat the Hitler regime, then I can only say—but little. If there was any question of resistance against the Hitler regime, then that resistance was not a centrally organized one. It was restricted to the extent that in various cities the opponents of the Nazis met to consider how one might, at least by propaganda, overcome the mental terror. No open resistance was possible.

But perhaps I should here draw your attention to the following: On 30 January I personally made a decisive attempt—or rather an attempt which, in my opinion, might have proved decisive—to oppose the Hitler regime. In the autumn of 1931 I had an interview with the Chief of the Army Command, Von Hammerstein, during which Von Hammerstein explained to me that the Reichswehr would not allow Hitler to usurp the seat of the President of the State. I remembered that conference, and on 30 January 1933 I inquired whether Von Hammerstein would be prepared to grant me an interview. I wanted to ask him, during that interview, whether he was still of the opinion that the Reichswehr would not only declare itself to be against the Hitler regime, but would oppose such a regime by force of arms.

Herr Von Hammerstein replied to the effect that, in principle, he would be prepared to have such an interview with me, but that the moment was not a propitious one. The interview never took place.

If you were to ask me whether in their efforts to fight the Hitler regime, at least by propaganda, my political friends had received any support from foreign personalities whom one might have called anti-Fascists, then I must say—unfortunately no. On the contrary, we quite often noticed, with much sorrow, that members of the English Labor Party, not officials but private individuals, were Hitler's guests and that they returned to England to praise the then Chancellor Hitler as a friend of peace. I mention Philipp Snowden in that connection and the *doyen* of the Labor Party, Lansbury. In this connection I would like to draw your attention to the following facts: In the year...

THE PRESIDENT: The attitude of political parties in other countries has nothing to do with any question we have to decide, absolutely nothing.

DR. SIEMERS: I believe that this is sufficient. I have no further questions to ask, Herr Minister, and I thank you.

DR. LATERNSER: Minister Severing, during your term of office was the figure of 100,000 men, conceded by the Peace Treaty of Versailles for a normal army, ever exceeded?

SEVERING: I have no official knowledge of that. I would assume, however, that that was not the case.

DR. LATERNSER: Do you know at all whether, at the end of 1932, the League of Nations made a promise or held out prospects that this Army of 100,000 could be increased to 300,000 men?

SEVERING: Here too I am unable to give you any official information. I can, however, give the following explanation: In 1932 I received a letter from a party friend of mine, Dr. Rudolf Breitscheid, who was a member of the League of Nations Delegation and in which he mentioned rumors of that kind; but he also added other information...

THE PRESIDENT: Dr. Laternser, we don't think that rumors are relevant in the Trial. He says he can't give us any official information. He then begins to give us rumors. Well, we don't want to hear rumors.

DR. LATERNSER: Mr. President, what the witness is now saying is rather more than a rumor and I think you will probably be able to judge for yourself when he has entirely answered the question.

THE PRESIDENT: He is speaking of rumors. If you have any fresh question to ask him, you can ask him.

DR. LATERNSER: Did the increase of the Army from 100,000 to 300,000 men ever assume any palpable shape in the sense that the question was discussed elsewhere, too?

SEVERING: I have just told you that Dr. Breitscheid was a member of the League of Nations Delegation and that his information to me was not a fabric of his own invention. That information stated that an extension of the Army had been envisioned but that this extension would probably be made at the expense of the police. Dr. Breitscheid informed me accordingly.

DR. LATERNSER: Thank you very much, I have no further questions to ask.

DR. HAENSEL: You have just told us that you had no knowledge of the Jewish mass murders in Auschwitz before the collapse. Did you have any knowledge of other measures or deeds perpetrated against Jews which you could define as criminal?

SEVERING: I experienced one such case personally. In 1944 a friend of mine in Bielefeld, Karl Henkel, was arrested and transferred to a labor camp near Emden, and he was shot on the third day.

DR. HAENSEL: Do you know who arrested him, what authority?

SEVERING: He was arrested by the Bielefeld Gestapo.

DR. HAENSEL: Did that occur in connection with some large-scale action or was it an individual case?

SEVERING: It appeared to me to be an individual case.

DR. HAENSEL: Did you hear of a number of such individual cases at that time, that is in 1944?

SEVERING: In 1944 I did not hear of any individual cases of murder, but I did hear of deportations from Westphalian towns to unknown destinations.

DR. HAENSEL: What authorities dealt with these deportations?

SEVERING: I cannot say for certain, but I assume that it was the Gestapo.

DR. HAENSEL: Are you of the opinion that considerable sections of the population knew of these occurrences?

SEVERING: You mean, of the deportations?

DR. HAENSEL: Yes.

SEVERING: They usually took place quite publicly.

DR. HAENSEL: Are you of the opinion that the people were generally just as well acquainted with these events as the members of the organizations as, for instance, the ordinary SS man, or would you say that the ordinary SS man knew more than other people?

SEVERING: Oh yes. He was informed of the places of destination of these transports.

DR. HAENSEL: But I understood you to say, that the convoys were not escorted by the SS; you said it was the Gestapo.

SEVERING: Yes, I have just stated that I assumed that the Gestapo had conducted the arrests and the lootings, but I did not receive any assurances that this was exclusively the work of the Gestapo.

DR. HAENSEL: And as to the other measures—apart from such deportations—which might be called a kind of local pogrom, have I understood you to say that you did not hear of them often?

SEVERING: Local pogroms occurred in November 1938.

DR. HAENSEL: Did you, during the execution of such measures, of which we have frequently heard, make your own observations or did you remain at home?

SEVERING: I remained at home. I only saw the results of these pogroms afterwards in the shape of destroyed Jewish firms, and in the remains of the synagogues.

DR. HAENSEL: And to which organizations or groups do you attribute these events of November 1938?

SEVERING: My own judgment would not have any decisive value, but I tell you quite frankly, it was the SA or the SS.

DR. HAENSEL: And what makes you think that it was precisely these two groups?

SEVERING: Because the members of these groups, in my home town of Bielefeld, were called the instigators of the synagogue fires.

DR. HAENSEL: By whom?

SEVERING: They were indicated by name by the population in general.

DR. HAENSEL: You knew about the concentration camps. Can you still remember when you heard about them for the first time? It is important at least to determine the year.

SEVERING: No. I cannot tell you that at the present moment. I can only reply to your question by referring to individual dates. The first murder in a concentration camp became known to me when I heard that, in the Papenburg Concentration Camp, the former member of the German Reichstag and Police President of Altona had been shot. That could have been either in 1935 or 1936, I am no longer sure when.

DR. HAENSEL: And later, did you hear of many other such cases, or did you have personal knowledge of them?

SEVERING: From personal knowledge which is so certain that I could give it with a clear conscience to the Tribunal only in the cases I mentioned this morning.

DR. HAENSEL: Were you told that concentration camps were places in which the political opponents of the regime were to be interned without anything worse happening to them than loss of liberty?

SEVERING: Whether I was told that?

DR. HAENSEL: Whether you were told that, whether you heard that?

SEVERING: No. On the contrary, I heard that concentration camps meant to the population the very incarnation of all that is terrible.

DR. HAENSEL: What do you mean by "population"? Do you also mean those sections of the population who had some official connection with the Party: small Party members, small SA men and small members of the SS?

SEVERING: I cannot say anything about that since I conversed nearly exclusively with opponents of the system.

DR. HAENSEL: Do you believe that these opponents with whom you conversed presented a united front against anyone who wore a party emblem or a badge of some organization?

SEVERING: No. This question upon which you are dwelling affects wide sections of the population, their general humanitarian feeling, and their feeling of indignation about conditions in the camps, as and when the facts became known.

DR. HAENSEL: I asked my question with the intention of hearing whether this feeling of indignation was noticeable even in people who actually wore the emblem of the Party.

SEVERING: I assume so, but I cannot offer it to the Tribunal as a fact.

DR. HAENSEL: But were even these people exposed to the considerable pressure which you have alluded to?

SEVERING: They probably felt that their Party membership rendered them, in a certain sense, immune.

DR. HAENSEL: Do you believe that many people became members in order to benefit by this immunization?

SEVERING: Yes, I believe so.

DR. HAENSEL: I heard that you yourself were a member of the NSV; is that true?

SEVERING: No.

DR. HAENSEL: Is it true that you were arrested after 20 July 1944?

SEVERING: I have already answered that question this morning. I was not arrested.

DR. HAENSEL: You were never arrested at all?

SEVERING: No, with the exception of the one case which I also mentioned this morning.

DR. HAENSEL: Did you at any time express the opinion that what had been achieved in Germany in the social sphere after 1933 did, to a considerable extent, represent the ideal of previous governments?

SEVERING: Yes, I expressed this as follows: "What was new was not good, and what was good was not new."

DR. HAENSEL: Do you believe that any German, be he a Party member, a member of the SS or not, must have had any knowledge of events at Auschwitz of which you yourself knew nothing at all?

SEVERING: No. He would not necessarily have to possess this knowledge. I would not go so far as to say that. But he might, perhaps, have known about it.

DR. HAENSEL: And what exactly do you mean by "He might, perhaps, have known about it"?

SEVERING: Through guards escorting the transport echelons. They did not always remain in the area of the concentration camps; they usually returned.

DR. HAENSEL: And if they were sworn to the strictest secrecy?

SEVERING: Then they could not tell anything.

DR. HAENSEL: Do you know of cases where people were condemned for speaking of such matters?

SEVERING: No.

DR. HAENSEL: Did you ever hear anything about the activities of the "special courts"?

SEVERING: No, in any case I heard nothing in connection with these particular activities of the "special courts."

DR. HAENSEL: But the sentences pronounced against people who listened to foreign broadcasts (Schwarzhörer) and to people accused of spreading so-called false rumors, were published very often in the papers. Did you never read them?

SEVERING: No.

DR. STEINBAUER: Witness, I have only one question to ask you. You told us this morning that in 1919 you were a member of the Weimar National Assembly. May I ask what the attitude of the National Assembly was—particularly of the faction of the Social Democrats of whom you too were a leader—towards the problem of the Austrian "Anschluss"?

SEVERING: During the time of the sessions of the Weimar National Assembly I was Reich and State Commissioner for the Rhineland and Westphalia, and was seldom able to participate in the debates of the Weimar National Assembly. I therefore have no detailed knowledge as to how these matters were formulated or expressed. But one thing I do know and that is, that it was practically the unanimous wish of the Assembly to include a paragraph, or an article in the Constitution, ratifying the "Anschluss" of Austria to Germany.

DR. STEINBAUER: Thank you. I have no further questions.

THE PRESIDENT: Does the Prosecution wish to cross-examine?

MAJOR JONES: Herr Minister, you have told the Tribunal that in 1928 the Defendant Raeder assured you solemnly that there would be no further violations of the Treaty of Versailles without the knowledge of the Reich Cabinet. Did Raeder fulfill that assurance?

SEVERING: I have already stated this morning that I cannot answer that in any positive sense. I can only state that violations of the agreement of 18 October 1928 by the Naval Command did not come to my knowledge.

MAJOR JONES: Did you know, for instance, of the construction in Cadiz, in Spain, of a 750-ton U-boat under German direction between the years 1927 and 1931?

SEVERING: No, no.

MAJOR JONES: My Lord, the authority for that statement of fact is the Document D-854.

And, Herr Minister, did you know that after its completion in 1931 that U-boat carried out trial runs under German direction and with German personnel?

SEVERING: No, I did not know anything about that either.

THE PRESIDENT: I think he said he didn't know of any violations.

MAJOR JONES: I am putting to you certain matters, and I suggest to you, Herr Minister, that it may well be that you were being deceived during this time. Do you agree with me about that?

SEVERING: I would not deny the possibility of deception, but I must very definitely declare that I did not know anything of the construction of a submarine.

MAJOR JONES: I want you to look at the Document C-156. This is a new extract from Captain Schüssler's *Fight of the Navy against Versailles.* You will see that the following entry appears on Pages 43 and 44.

> "In 1930 Bartenbach succeeded, in Finland also, in making preparations for the construction of a U-boat answering to the military demands of the German Navy. The Naval Chief of Staff, Admiral Dr.h.c. Raeder, decided, as a result of the reports of the Chief of the General Naval Office, Konteradmiral Heusinger Von Waldegg, and of Captain Bartenbach, to supply the means required for the construction of the vessel in Finland. A 250-ton plan was chosen for this U-boat, so that the amount of 1 1/2 million Reichsmark was sufficient for carrying out the project.
>
> "The fundamental intention was to create a type of U-boat which would permit the inconspicuous preparation of the largest possible number of units which could be assembled at shortest possible notice."

Herr Minister, did you know that 1 1/2 million Reichsmark were spent in 1930 in connection with this U-boat construction?

SEVERING: I have stated this morning that I was Minister in the Reich Ministry of the Interior from 1928 to 1930. I consider it necessary to determine these dates a bit more precisely. I resigned on 30 March 1930. If the year 1930 is mentioned in a general way, then it is not impossible that everything mentioned here was carried out after 30 March 1930.

MAJOR JONES: You have said that the rearmament that went on when you were connected with the Government of Germany was purely defensive. When did you realize that the Nazi Government's rearmament was not defensive but aggressive? At what date did you come to that conclusion?

SEVERING: From 30 January 1933 on. That both the choice and the appointment of Hitler as Chancellor of the Reich meant war, was not in the least doubted by me and my political friends.

MAJOR JONES: So that you realized from the first day of Nazi power that the Nazi Government intended to use force or the threat of force to achieve its political aims; is that right?

SEVERING: I do not know if knowledge and conviction are identical. I was convinced of it, and so were my political friends.

MAJOR JONES: I want to ask you one or two questions about the Defendant Von Papen. Did Papen use force in carrying out the Putsch which brought him to power in July 1932?

SEVERING: Von Papen did not personally exercise such force, but he did order it. When, on the morning of 20 July 1932, I refused to surrender voluntarily the office of the Prussian Ministry of the Interior to the man who had been appointed by Von Papen as my successor, I explained to him that I had no intention of doing so and in order to make my protest more emphatic, I pointed out that I would only give way to force. And then force was used in the evening of 20 July in my office. The newly appointed police president of Berlin appeared in my office, accompanied by two police officers. I asked these gentlemen whether they were authorized by the President of the Reich or by the Reich Chancellor to carry out this mission. When they answered "yes," I stated that I would leave my office rather than cause the shedding of blood.

MAJOR JONES: Did the Defendant Papen, when he secured power, purge the police and the government of anti-Nazis?

SEVERING: Yes. There are numerous indications that the intention existed to purge the police of all republican elements and to replace them with men who were first devoted to Von Papen and then to the National Socialists.

MAJOR JONES: I want to ask you one or two questions about the Defendant Göring.

The Defendant Göring has stated, and the entry is on Page 5837 of the transcript of the proceedings (Volume IX, Page 258), that the institution of protective custody existed in Germany before the Nazis came into power. Is that true?

SEVERING: I would say that the institution of protective custody did exist, theoretically, and it was last formulated in the Prussian Police Administrative Law, in Paragraph 15. During my term of office protective custody was never applied in normal civilian life. The regulations in Paragraph 15 of the Police Administrative Law stipulated quite definitely that if anybody was taken into protective custody the police administration was obliged to bring him before the courts within 24 hours. This procedure is in no way identical with that protective custody, the threat of which for decades remained suspended over the peaceful citizens of the State.

MAJOR JONES: And, of course, there were no concentration camps in pre-Nazi Germany, I take it?

SEVERING: Never.

MAJOR JONES: How many of your political associates and colleagues of the Social Democratic Party were murdered in concentration camps while Göring was still Chief of the Gestapo?

SEVERING: It is very difficult to make an estimate. You might say 500, you might also say 2,000. Reliable information is now being collected. My estimate is that at least 1,500 Social Democrats, or trade union officials, or editors were murdered.

MAJOR JONES: And how many Communist leaders do you think were murdered during Göring's period of power over the Gestapo?

SEVERING: I would assume that if you include among the Communist leaders also such trade union officials, who considered themselves members of the Communist Party, then approximately the same figure would be reached.

MAJOR JONES: Did Göring personally have any knowledge of these murders?

SEVERING: That I cannot say. If I were to answer that question, then I should have to ask myself what I would have done in case it had been one of my functions to administer camps in which the fate of tens of thousands was being decided.

I am not sure whether it is of any interest to the Tribunal if I were to give you one or two examples from my own experience.

In 1925 I had to create a camp for refugees from Poland.

MAJOR JONES: You need not trouble to go into that, Herr Minister.

SEVERING: No? At any rate I would have considered it my first and foremost task to inquire whether, in the camps which I had installed, the principles of humanitarianism were being adhered to. I was under the impression that this was not being done. I always reminded my police officials that they were servants of the people and that everyone in those camps should be humanely treated. I told them that never again should the call resound in Germany, "Protect us from the police." ("Schutz vor Schutzleuten"). I myself demanded punishment for police or other officials when I was under the impression that defenseless prisoners were being ill-treated by members of the police.

MAJOR JONES: As Minister of the Interior, did you become familiar with the organized terror of the SA against the non-Nazi population of Germany in the years after 1921?

SEVERING: Oh yes. Keeping an eye on the so-called armed organizations was one of my most important tasks during my term of office in Prussia. The roughest of all the armed organizations proved to be the SA. They sang songs such as: "Clear the streets for the Brown Battalions" and with the same arrogance with which they sang these songs, they forcibly became masters of the streets, wherever they encountered no adversary worth mentioning. Another rowdy song of theirs seemingly illustrated their program: "Hang the Jews and shoot the bigwigs." Wherever the SA could exercise terror unhindered, they raged and blustered in such style. They waged beer-hall battles with people of different opinion. These were not the customary skirmishes between political opponents during election fights. No, this was organized terror. During the first Jewish boycott in 1933, they stood on guard to frighten those customers from buying in department stores who were accustomed to buy in these stores. As the Tribunal already know, they organized the terror actions of 8 November 1938. In 1930 they also damaged numerous Jewish shops in Berlin, possibly as a worthy prelude to the convening of the Reichstag into which 107 National Socialists entered at the time, as we know.

MAJOR JONES: Finally, I want to ask you one or two questions about the Defendant Schacht.

When did you first hear of Schacht's relations with the Nazi leaders?

SEVERING: In 1931 I received information from the police administration in Berlin, that interviews had been taking place between Mr. Schacht and the leaders of the National Socialist German Workers Party.

MAJOR JONES: Did you have any connections with Schacht in 1944?

SEVERING: If the matter is of any interest here to anybody, I actually refused these connections. Schacht—although I held him in high esteem as an economic expert—was known to me as a rather unreliable person in political matters. By joining the Harzburg Front, Schacht betrayed the cause of democracy. This was not only an act of ingratitude, for it was only through the Democrats that he ever reached the post of President of the Reichsbank, but it was also a great mistake since he and others of the same social standing by joining the Harzburg Front first made the National Socialists—so to speak—socially acceptable.

I could not, for this very reason, agree to any co-operation with Schacht on 20 July 1944, and when in March 1943 I was asked to join a government which was to overthrow Hitler, I categorically refused to do so, giving Schacht's machinations and sundry other circumstances as my excuse.

MAJOR JONES: What was your reason for that?

SEVERING: I have just indicated these reasons. My friend Leuschner, who was hanged, together with other young Social Democrats—Von Harnack, Weber, Maas—my friend Leuschner and I discussed the composition of such a government. Leuschner informed me that a general would probably be the President of the Reich, and another general would be the Minister for War. I pointed out that Schacht in all probability would become financial or economic dictator, since Schacht was suitable for such a post through his actual or alleged connections with American business circles. But these connections between Schacht and—in National Socialist parlance—between plutocracy and militarism, this connection, I say, appeared to me so compromising to the cause of democracy, especially to the cause of Social Democracy, that I was under no circumstances prepared to become a member of any cabinet in which Schacht would be the financial dictator.

MAJOR JONES: Thank you.

THE PRESIDENT: Do you want to re-examine?

DR. SIEMERS: Minister Severing, the Prosecutor has just talked about the construction of a U-boat in Finland and of a U-boat in Cadiz. With regard to the construction of the U-boat in Cadiz, he has referred to D-854. I presume that this document is unknown to you.

THE PRESIDENT: Well, Dr. Siemers, the witness said he knew nothing about either of those instances.

DR. SIEMERS: Thank you.

[Turning to the witness.] Do you not remember that during that discussion Admiral Raeder and Reichswehrminister Gröner mentioned the Finland U-boat?

SEVERING: I do not remember.

DR. SIEMERS: You do not know about it? And now—a leading question: Is it true that the agreement made on 18 October 1928 stipulated that the Chief of the Naval Command Staff was obligated to keep the Reichswehrminister informed and the Minister of the Reichswehr, in his turn, would inform the other Ministers of the Cabinet?

SEVERING: As far as I can remember, the agreement or the promise of the two Chiefs of the Command Staffs was that the Cabinet should, generally speaking, be kept informed about all questions. That was technically possible only in the manner in which you have just indicated, that is to say, that the Reichswehrminister would be the first to be informed and that he, in turn, would pass this information on to the Cabinet.

DR. SIEMERS: So that there was no obligation, on Raeder's part, currently to report to you or to appear before the Cabinet?

SEVERING: That would have been quite an unusual measure, just as the meeting of 18 October was in itself unusual; the members of the Cabinet consisted either of the Ministers or of their official representatives.

DR. SIEMERS: So that the further management of the matter would technically be handled by the Reichswehrminister?

SEVERING: Technically by the Reichswehrminister and politically by the Cabinet.

DR. SIEMERS: Thank you very much. I have no further questions to put to the witness.

DR. EGON KUBUSCHOK (Counsel for Defendant Von Papen): On what legal regulation was your exemption from the duties of Minister of the Interior in Prussia, on 20 July 1932, based?

SEVERING: The release from my duties?

DR. KUBUSCHOK: Yes. The release from your duties.

SEVERING: It was based on Article 48.

DR. KUBUSCHOK: Who, on the strength of Article 48, issued emergency decrees?

SEVERING: This emergency decree was issued by the Reich President, who alone was entitled to do so.

DR. KUBUSCHOK: Was the fact that you were removed from office on 20 July, under the circumstances which you have just described, based on the fact that Von Papen and Hindenburg, who issued the decree, were of the opinion that the emergency decree was legal, whereas it was your point of view that the legal basis

for the emergency decree did not exist and in consequence you remained in your office?

SEVERING: I was of the opinion, and it was later confirmed by the Supreme Court (Reichsgericht) that the President of the Reich was authorized on the strength of Article 48 to issue directives for the maintenance of peace and order; and if he did not see in the Prussian Ministers, and particularly in myself as Minister of Police, sufficient guarantee that this peace and order would be insured in Prussia, he had the right to relieve us of our police functions, and especially to exclude us from all other executive measures. But he did not have the right to discharge us as ministers.

DR. KUBUSCHOK: Is it known to you that the highest court in Germany, the State Court of Justice, on 25 October 1932 issued a statement to the effect that the decree of the Reich President of 20 July 1932 was compatible with the Constitution insofar as it had appointed the Reich Chancellor as Reich Commissioner for Prussia and authorized him temporarily to deprive Prussian Ministers of their official functions and to assume these functions personally.

SEVERING: I have just explained the meaning of that decision of the High Court of Justice.

DR. KUBUSCHOK: One more question: Did Von Papen, then Reich Commissioner, in carrying out certain changes in personnel, bring National Socialists into the police force?

SEVERING: I cannot say. The political character of the police officials was not outwardly recognizable. That might be the case with Oberpräsidenten, Regierungspräsidenten and police presidents, but not with every simple police official.

DR. KUBUSCHOK: Is it true that Von Papen gave the key position of police president in Berlin to the former police president of Essen, Melcher, who in your time was already police president of a large city?

SEVERING: That is correct.

DR. KUBUSCHOK: Thank you.

THE PRESIDENT: Now then, the witness can retire and the Tribunal will now adjourn.

How many more witnesses have you got?

DR. SIEMERS: I now have the witnesses, Freiherr Von Weizsäcker and Vice Admiral Schulte-Mönting, the Chief of Staff. The examination of Schulte-Mönting will take up some time, whereas I shall be through with Freiherr Von Weizsäcker in a short while.

THE PRESIDENT: All right.

[A recess was taken.]

DR. SIEMERS: If it please Your Honors, may the Witness Freiherr Von Weizsäcker, be called?

[The witness Von Weizsäcker took the stand.]

THE PRESIDENT: Will you state your full name, please?

ERNST VON WEIZSÄCKER (Witness): Ernst von Weizsäcker.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SIEMERS: Baron Von Weizsäcker, at the beginning of the war you were State Secretary in the Foreign Office, is that correct?

VON WEIZSÄCKER: Yes.

DR. SIEMERS: You will recollect that on 3 September 1939, that is on the first day of the war between Germany and England—the English passenger ship *Athenia* was torpedoed northwest of Scotland. There were American passengers on board. The sinking of the ship naturally caused a great sensation. Please tell the Tribunal how this matter was treated politically, that is, by you.

VON WEIZSÄCKER: I remember this incident, but I am not certain whether it was a British or an American ship. In any case, the incident alarmed me very greatly at the time. I inquired of the Naval Operations Staff whether a German naval unit could have sunk the ship. After this was denied, I begged the American Chargé d'Affaires, Mr. Alexander Kirk, to call on me and told him that no German naval unit could have participated in the sinking of the *Athenia.* I asked the Chargé d'Affaires to take cognizance of this fact and to cable this information to Washington without delay, adding that it was most important in the interests of our two nations—Germany and America.

DR. SIEMERS: Herr Von Weizsäcker, you had contacted the Navy before taking these steps?

VON WEIZSÄCKER: Yes.

DR. SIEMERS: Did you, at this first conversation, talk to Admiral Raeder personally or did you speak with some other officer?

VON WEIZSÄCKER: I could not say that now, but I did get definite information. I am sorry I cannot give you the full details. But I did receive a definite answer that no German naval unit was involved. That satisfied me.

DR. SIEMERS: In connection with this subject did you, on the same day or shortly after, visit Admiral Raeder and discuss this matter further with him?

VON WEIZSÄCKER: I believe that is true. I can recall. Yes.

DR. SIEMERS: Did Raeder tell you on this occasion that it could not have been a German U-boat, since reports coming in from the U-boats said that the distance from the nearest U-boat was too great, that is—about 75 nautical miles?

VON WEIZSÄCKER: Raeder informed me that no German U-boat could have been involved. He may also have mentioned details, concerning the distance of the U-boats from the point where the ship went down, but I cannot today tell you about this with any certainty.

DR. SIEMERS: During this conversation with Raeder, did you declare that everything should be done to avoid war with the United States, referring particularly to incidents like the sinking of the *Lusitania* in the previous war?

VON WEIZSÄCKER: That I certainly and emphatically did, for at that time the recollections of similar past incidents during the first World War were still very vivid in my mind. I am sure I drew his attention to the urgent necessity of avoiding all naval operations which might cause a spreading of the war and—as I used to say in those days—decrease the "neutral substance."

DR. SIEMERS: Did Raeder share your opinion?

VON WEIZSÄCKER: To the best of my recollections—yes.

DR. SIEMERS: Are you convinced, Herr Von Weizsäcker, that Raeder gave you truthful answers in this report about the *Athenia*?

VON WEIZSÄCKER: Of course.

DR. SIEMERS: Now U-boat Number *30* returned from her combat mission on 27 September 1939, that is—about three weeks after the sinking of the *Athenia,* and her commander reported that he had inadvertently sunk the *Athenia.* He had not noticed the fact at the time but was apprised of the incident later by various wireless messages. Raeder heard about it at the end of September, and discussed the matter with Hitler in order to decide what attitude should be adopted. Hitler issued an order enjoining silence. All this has already been discussed here. I would like you to tell me if you were informed of the fact, subsequently established, of the sinking by a German U-boat.

VON WEIZSÄCKER: No, certainly not.

DR. SIEMERS: Did you hear of Hitler's order enjoining silence?

VON WEIZSÄCKER: I naturally did not hear of that either.

DR. SIEMERS: I shall now have Document Number 3260-PS handed to you and I must ask you to have a look at it. It is an article entitled "Churchill Sinks the *Athenia*," taken from the *Völkischer Beobachter* of 23 October 1939. Do you remember this article?

VON WEIZSÄCKER: Yes. Perhaps I may look through it.

DR. SIEMERS: Mr. President, may I inform you, in order to assist the Tribunal, that this is GB-218 in the British Document Book Number 10a, Page 97, to be correct—Page 99.

[Turning to the witness.] Herr Von Weizsäcker, you have read this article. May I ask you to tell me whether you recall having read this article at the time of its appearance?

VON WEIZSÄCKER: I do recall that such an article did appear at that time.

DR. SIEMERS: Then may I ask you further what your attitude was at the time when you heard about this article?

VON WEIZSÄCKER: I considered it a perverted fantasy.

DR. SIEMERS: Then you condemned this article?

VON WEIZSÄCKER: Naturally.

DR. SIEMERS: Even though at the time you did not know yet that it was a German U-Boat?

VON WEIZSÄCKER: The question of whether it was a German U-boat or not could in no wise influence my opinon of the article.

DR. SIEMERS: Then you considered this article objectionable, even if it had not been a German U-boat?

VON WEIZSÄCKER: Of course.

DR. SIEMERS: Now the Prosecution asserts that Admiral Raeder had instigated this article and is reproaching him very gravely on moral grounds for this very reason, and the reproach is all the graver since, as we have seen, Raeder at this time—unlike yourself—knew that it was a German U-boat which had sunk the *Athenia*. Do you consider such an action possible on Raeder's part? That he could have instigated this article?

THE PRESIDENT: Wait a minute, Dr. Siemers, you can only ask the witness what he knew and what he did. You cannot ask him to speculate about what Raeder has done.

DR. SIEMERS: I beg your pardon, Mr. President. I believed that, according to this morning's affidavit, it would be possible to voice an opinion; but I shall, of course, retract my question.

THE PRESIDENT: What affidavit are you talking about?

DR. SIEMERS: The affidavit in which I suggested the expunging of any expression of opinion, Dietmann's affidavit.

THE PRESIDENT: That is a perfectly different matter.

DR. SIEMERS: Herr Von Weizsäcker, did you at that time hear that Raeder had instigated this article?

VON WEIZSÄCKER: No, I did not hear that; I would never have believed it either. I consider it entirely out of the question that he could have instigated an article of that sort or that he could have written it himself.

DR. SIEMERS: To your knowledge, could this article be traced exclusively to the Propaganda Ministry?

VON WEIZSÄCKER: I can only answer this question in the negative; not to Raeder and not to the Ministry for Foreign Affairs.

DR. SIEMERS: Herr Von Weizsäcker, are you in a position to judge whether grave points were involved in the historically-known violations committed by the Navy against the Treaty of Versailles?

VON WEIZSÄCKER: I can only answer that question indirectly. The details are unknown to me. But I can scarcely consider it possible that grave or important violations could have occurred, for it is precisely in naval matters that the observance of contract agreements is particularly easy to control. Ships cannot be built without being seen. I must therefore assume that these infringements were of an insignificant nature.

DR. SIEMERS: Herr Von Weizsäcker, in your opinion, did the Defendant Raeder prepare a war of aggression or do you know of any case from which Raeder's attitude...

THE PRESIDENT: Dr. Siemers, that is the very charge against the Defendant Raeder which the Tribunal has got to decide.

DR. SIEMERS: Herr Von Weizsäcker, in February 1939, when you traveled by train from Hamburg to Berlin with Admiral Raeder, did you converse with him? And what was the occasion and what did you discuss?

VON WEIZSÄCKER: Yes. It is quite true that I met Admiral Raeder on the train from Hamburg to Berlin, after the launching of a ship at Hamburg. On this occasion the Admiral told me that he had just made a report to Hitler in which he said he had made it quite clear that the size of the Navy would preclude any war against England for years to come. I presume that this is the reply to the question which you wished to receive from me.

DR. SIEMERS: That was in February 1939?

VON WEIZSÄCKER: It was the launching of the *Bismarck*.

DR. SIEMERS: Then it is known to the Tribunal, for the launching of the *Bismarck* is entered in the records.

VON WEIZSÄCKER: It must have been in the spring—in February or March.

DR. SIEMERS: Did Raeder's declaration at that time have a calming influence on you?

VON WEIZSÄCKER: I heard Raeder's declaration on the subject with very great pleasure because there could be no other...

THE PRESIDENT: Well, we do not care whether it had a calming influence on him or not.

DR. SIEMERS: In your opinion, and to the best of your knowledge, did Raeder—either as a politician or as a naval expert—exercise any influence over Hitler?

THE PRESIDENT: Dr. Siemers, the witness can tell us what Raeder said, but he really cannot tell us in what capacity he was speaking, whether as a politician or an admiral. If you want to know whether he had his uniform on...

DR. SIEMERS: Herr Von Weizsäcker, did you have any conversations with Raeder or with any other high-ranking personages?

VON WEIZSÄCKER: About what?

DR. SIEMERS: About Raeder's influence on Hitler.

VON WEIZSÄCKER: It was a well-known fact that political arguments expressed by soldiers scarcely influenced Hitler at all, although military arguments of a technical nature certainly did carry weight with him, and in this sense Raeder may have exercised some influence over Hitler.

DR. SIEMERS: Herr Von Weizsäcker, in the winter of 1938 to 1939, the usual large diplomatic dinner party took place in Berlin and you, as far as I know, were present at this dinner. On this occasion Raeder spoke to Sir Nevile Henderson about the probable return of Germany's colonies...

THE PRESIDENT: Dr. Siemers, why do you not ask him instead of telling him. You are telling him what happened.

DR. SIEMERS: No.

THE PRESIDENT: Yes, you are.

DR. SIEMERS: I beg your pardon; this was a conversation between Raeder and Sir Nevile Henderson, not between Herr Von Weizsäcker and Henderson.

I am now asking you, Herr Von Weizsäcker, did you have a conversation to this effect with Sir Nevile Henderson or with other British diplomats? And do you know anything about their attitude?

VON WEIZSÄCKER: I cannot recall having spoken personally with any British diplomats about the question of the colonies. On

the other hand, I do know that between 1934 and 1939 the question of the colonies was repeatedly handled by the British Government either officially, unofficially or semiofficially, and their attitude was expressed in a friendly and conciliatory manner. I believe I can remember reading a report on the visit of two British ministers to Berlin and that on this occasion the question of the colonies was also discussed in a conciliatory manner.

DR. SIEMERS: Herr Von Weizsäcker, can you tell us anything about the behavior or the reputation of the Navy during the Norwegian occupation?

VON WEIZSÄCKER: An occupational force always finds it difficult to be popular anywhere. But with this one reservation I should like to state that the Navy, as far as I heard, enjoyed a good, even a very good, reputation in Norway. This was repeatedly confirmed to me during the war by my Norwegian friends.

DR. SIEMERS: You made these Norwegian friendships at the time you were Minister in Oslo? When was that?

VON WEIZSÄCKER: I was Minister in Oslo from 1931 to 1933.

DR. SIEMERS: Now, one last question. A document, D-843, was submitted yesterday, signed by Breuer who was with the Oslo Legation in March 1940. May I submit this document to you?

VON WEIZSÄCKER: Am I to read the entire document?

DR. SIEMERS: I think it would suffice if you were just to glance through it, especially over the middle part of the document.

[Turning to the President.] Mr. President, it is GB-466 and the document was submitted yesterday.

[Turning to the witness.] According to this document Breuer stated that the danger of a British landing in Norway was not so great as was assumed by the other side, and he speaks of measures only by which Germany might be provoked. What can you tell us about these statements of Breuer's? Are these statements correct?

VON WEIZSÄCKER: Breuer was not with the Legation—he was the Minister himself—and I take it for granted that he reported correctly on the subject from an objective or rather, if I may say so, subjective point of view. Whether this was really correct from an objective point of view or not, is quite another question. To put it in plain German, whether Breuer was correctly informed of the intentions of the enemy forces is another question.

DR. SIEMERS: Herr Von Weizsäcker, according to the information you subsequently received from the Ministry for Foreign Affairs, were Raeder's misgivings justified or was the picture, as painted by Breuer, correct?

VON WEIZSÄCKER: I must confess that my personal opinion tallied with the opinion of Breuer, although both our opinions subsequently proved to be incorrect and the conjectures of the Navy were justified, or—at least—more justified than the opinion voiced by the Minister.

DR. SIEMERS: Thank you very much indeed.

THE PRESIDENT: Do any of the Defense Counsel want to ask any questions of this witness?

DR. ALFRED SEIDL (Counsel for Defendant Hess): Witness, on 23 August 1939, a nonaggression pact was concluded between Germany and the Soviet Union. Were any other agreements concluded on that day by the two governments, outside of this pact of nonaggression?

GENERAL R. A. RUDENKO (Chief Prosecutor for the USSR): Mr. President, the witness is called upon to answer certain definite questions which are set forth in the application of counsel for the defendant, Dr. Siemers. I consider that the question which is being put to him at this moment by the defense counsel Seidl has no connection with the examination of the case in hand and should be ruled out.

THE PRESIDENT: You may ask the question, Dr. Seidl, that you were going to ask.

DR. SEIDL: I ask you again, Herr Von Weizsäcker, whether on 23 August 1939, other agreements had been reached between the two governments, which were not contained in the nonaggression pact?

VON WEIZSÄCKER: Yes.

DR. SEIDL: Where were these agreements contained?

VON WEIZSÄCKER: These agreements were contained in a secret protocol.

DR. SEIDL: Did you yourself read this secret protocol in your capacity of State Secretary in the Ministry of Foreign Affairs?

VON WEIZSÄCKER: Yes.

DR. SEIDL: I have before me a text and Ambassador Gaus harbors no doubt at all that the agreements in question are correctly set out in this text. I shall have it put to you.

THE PRESIDENT: One moment, what document are you putting to him?

DR. SEIDL: The secret addenda to the protocol of 23 August 1939.

THE PRESIDENT: Is that not the document—what is this document that you are presenting to the witness? There is a document

which you have already presented to the Tribunal and which has been ruled out. Is that the same document?

DR. SEIDL: It is the document which I submitted to the Tribunal in my documentary evidence and which was refused by the Tribunal, presumably because I refused to divulge the origin and source of this document. But the Tribunal granted me permission to produce a new sworn affidavit by Ambassador Gaus on the subject in question.

THE PRESIDENT: You have not done it? You have not done it?

DR. SEIDL: No, but I should, Your Honor, like to read this text in order to stimulate the memory of the witness, and to ask him whether in connection therewith, as far as he can remember, the secret agreements are correctly reproduced in this document.

GEN. RUDENKO: Your Honors! I would like to protest against these questions for two reasons.

First of all, we are examining the matter of the crimes of the major German war criminals. We are not investigating the foreign policies of other states. Secondly, the document which defense counsel Seidl is attempting to put to the witness has been rejected by the Tribunal, since it is—in substance—a forged document and cannot have any probative value whatsoever.

DR. SEIDL: May I in this connection say the following, Mr. President. This document is an essential component of the nonaggression pact, submitted by the Prosecution in evidence as GB-145. If I now submit the text to the witness . . .

THE PRESIDENT: The only question is whether it is the document which has been rejected by the Tribunal. Is it the document which has been rejected by the Tribunal?

DR. SEIDL: It was rebutted as documentary evidence *per se.*

THE PRESIDENT: Well, then the answer is "yes."

DR. SEIDL: But it seems to me that there is a difference as to whether this document may be put to the witness during the hearing of his testimony. I should like to answer this question in the affirmative since the Prosecution when cross-examining can put the document in their possession to the witness, and on the basis of his testimony we should then see which is the correct text or whether these two texts harmonize at all.

THE PRESIDENT: Where does the document which you are presenting come from?

DR. SEIDL: I received this document a few weeks ago from a man on the Allied side who appeared absolutely reliable. I received it only on condition that I would not divulge its origin, a condition which seemed to me perfectly reasonable.

THE PRESIDENT: Do you say that you received it a few moments ago?

DR. SEIDL: Weeks ago.

THE PRESIDENT: It is the same document that you say just now that you presented to the Tribunal and the Tribunal rejected?

DR. SEIDL: Yes, but the Tribunal also decided that I might submit another sworn affidavit from Ambassador Gaus on this subject, and this decision only makes sense . . .

THE PRESIDENT: Yes, I know, but you have not done so. We do not know what affidavit Dr. Gaus has made.

DR. SEIDL: Ambassador Gaus' sworn affidavit, the new one, is already in my possession, but it has not yet been translated.

MR. DODD: Mr. President, I certainly join General Rudenko in objecting to the use of this document. We now know that it comes from some anonymous source. We do not know the source at all, and anyway it is not established that this witness does not remember himself what this purported agreement amounted to. I do not know why he can not ask him, if that is what he wants to do.

THE PRESIDENT: Dr. Seidl, you may ask the witness what his recollection is of the treaty without putting the document to him. Ask him what he remembers of the treaty, or the protocol.

DR. SEIDL: Witness, please describe the contents of the agreement insofar as you can remember them.

VON WEIZSÄCKER: It is about a very incisive, a very far-reaching secret addendum to the nonaggression pact concluded at that time. The scope of this document was very extensive since it concerned the partition of the spheres of influence and drew a demarcation line between areas which, under given conditions, belonged to the sphere of Soviet Russia and those which would fall in the German sphere of interest. Finland, Estonia, Latvia, Eastern Poland and, as far as I can remember, certain areas of Romania were to be included in the sphere of the Soviet Union. Anything west of this area fell into the German sphere of interest. It is true that this secret agreement did not maintain its original form. Later on, either in September or October of the same year, a certain change, an amendment was made. As far as I can recall the essential difference in the two documents consisted in the fact that Lithuania, or—at least—the greater part of Lithuania, fell into the sphere of interest of the Soviet Union, while in the Polish territory the line of demarcation between the two spheres of interest was moved very considerably westwards.

I believe that I have herewith given you the gist of the secret agreement and of the subsequent addendum.

DR. SEIDL: Is it true that in case af a subsequent territorial reorganization, a line of demarcation was agreed upon in the territory of the Polish State?

VON WEIZSÄCKER: I cannot tell you exactly whether the expression "line of demarcation" was contained in this protocol or whether "line of separation of spheres of interest" was the actual term.

DR. SEIDL: But a line was drawn.

VON WEIZSÄCKER: Precisely the line which I have just mentioned, and I believe I can recall that this line, once the agreement became effective, was adhered to as a general rule with possible slight fluctuations.

DR. SEIDL: Can you recall—this is my last question—if this secret addendum of 23 August 1939 also contained an agreement on the future destiny of Poland?

VON WEIZSÄCKER: This secret agreement included a complete redirection of Poland's destiny. It may very well have been that explicitly or implicitly such a redirection had been provided for in the agreement. I would not, however, like to commit myself as to the exact wording.

DR. SEIDL: Mr. President, I have no further questions.

THE PRESIDENT: Witness, did you see the original of the secret treaty?

VON WEIZSÄCKER: I saw a photostat of the original, possibly the original as well. In any case I had the photostatic copy in my possession, I had a photostatic copy locked up in my personal safe.

THE PRESIDENT: Would you recognize a copy of it if it was shown to you?

VON WEIZSÄCKER: Oh, yes, I definitely think so. The original signatures were attached and they could be recognized immediately.

THE PRESIDENT: The Tribunal will adjourn.

[A recess was taken.]

THE PRESIDENT: The Tribunal has been considering whether it ought to put to the witness the document in the possession of Dr. Seidl, but in view of the fact that the contents of the original have been stated by the witness and by other witnesses and that it does not appear what is the origin of the document which is in Dr. Seidl's possession, the Tribunal has decided not to put the document to the witness. The Tribunal will now adjourn.

[The Tribunal adjourned until 22 May 1946 at 1000 hours.]

ONE HUNDRED AND THIRTY-SIXTH DAY

Wednesday, 22 May 1946

Morning Session

[The witness Von Weizsäcker resumed the stand.]

THE PRESIDENT: Dr. Siemers, I think yesterday we got to the stage whether any of the other defendants' counsel wished to ask any questions.

DR. SIEMERS: Yes, indeed; I believe Dr. Von Lüdinghausen wishes to examine the witness.

DR. VON LÜDINGHAUSEN (Counsel for Defendant Von Neurath): Witness, I should like to put a few questions to you about the activity of Herr Von Neurath in his capacity as Foreign Minister. You were at that time Director of the Political Department of the Foreign Office. What were the dates?

VON WEIZSÄCKER: I believe from late autumn of 1936, as a deputy, and from the spring of 1937 until the spring of 1938 with full capacity.

DR. VON LÜDINGHAUSEN: But before then you had already had occasion to work with Herr Von Neurath? In the autumn of 1932 were you not together now and then at the Disarmament Conference at Geneva?

VON WEIZSÄCKER: Yes.

DR. VON LÜDINGHAUSEN: What tendencies did Herr Von Neurath follow, and what attitude did Von Neurath adopt at the Disarmament Conference?

VON WEIZSÄCKER: The attitude of Herr Von Neurath was dictated by the provisions of the Covenant of the League of Nations which provided for disarmament. He followed those lines.

DR. VON LÜDINGHAUSEN: In that he followed the same policy which his predecessors had followed at the Disarmament Conference?

VON WEIZSÄCKER: It was always the same.

DR. VON LÜDINGHAUSEN: Yes, all the previous governments pursued a policy aimed at peace and unity, or understanding; and Herr Von Neurath continued this policy wholeheartedly, is that not correct?

VON WEIZSÄCKER: I never noticed anything to the contrary.

DR. VON LÜDINGHAUSEN: Did you at that time—that is in 1932—notice in any way that he had National Socialist tendencies or that he was at all in sympathy with the National Socialists?

VON WEIZSÄCKER: I had the impression that there was no common ground between him and National Socialism.

DR. VON LÜDINGHAUSEN: Can you quite briefly summarize Herr Von Neurath's views with respect to foreign politics? Could he have been at that time in favor of belligerent action, or was he the representative, the acknowledged representative, of a policy of understanding and peace?

VON WEIZSÄCKER: I should say that Herr Von Neurath pursued a policy of peaceful revision, the same policy that had been carried on by his predecessors. His aim was good neighborliness with all, without binding himself politically in any special direction. I never noticed any bellicose tendencies in his policies.

DR. VON LÜDINGHAUSEN: Was there any change in Herr Von Neurath's views in the year 1936, when you became one of his closest collaborators, or did they always remain the same?

VON WEIZSÄCKER: They were always the same.

DR. VON LÜDINGHAUSEN: He was especially interested in bringing about an understanding with England, but also with France; is that right?

VON WEIZSÄCKER: I had the impression that Herr Von Neurath wanted to bring about an understanding with all sides.

DR. VON LÜDINGHAUSEN: I should like to put a few more questions to you which more or less concern his relations with Hitler.

According to your knowledge of the circumstances, as his collaborator, can it be said that he had the confidence of Adolf Hitler at all times when he was Foreign Minister, and also that Hitler let himself be advised and led by him altogether?

VON WEIZSÄCKER: As far as I am in a position to judge, he was the adviser but not the confidant of Hitler.

DR. VON LÜDINGHAUSEN: But there was a certain contact between those gentlemen; is that not right?

VON WEIZSÄCKER: I was hardly ever a witness of such contacts.

DR. VON LÜDINGHAUSEN: Did you observe, when Von Neurath and Hitler met, whether they frequently discussed the political situation, what had to be done, and what should be done?

VON WEIZSÄCKER: I can only say that we of the Foreign Office regretted that the contact was not closer; all the more so as Hitler

was frequently absent from Berlin. We considered the contact too loose.

DR. VON LÜDINGHAUSEN: Then, one cannot speak of close relations or of very close collaboration with Hitler in the case of Von Neurath?

VON WEIZSÄCKER: In my opinion, no.

DR. VON LÜDINGHAUSEN: And, in your opinion and according to your observation, how did the activity of Von Neurath affect foreign policy? Was he the leading man, or was he not perhaps a retarding element, that is a brake, so to speak, where matters contrary to his convictions were concerned?

VON WEIZSÄCKER: I have no actual proof that important foreign political actions of this period were influenced by Von Neurath. But I can well imagine that certain actions in the sphere of foreign politics were prevented...

THE PRESIDENT: Wait a minute. I do not think we can have the witness imagine. We cannot have the witness telling us what he can imagine. I think the question is too vague, and not a proper question to ask.

DR. VON LÜDINGHAUSEN: During the time when Herr Von Neurath was Foreign Minister, did any authority in the Party also have an influence on the foreign policy which in effect was contrary to the tendencies of Von Neurath or at least was not shared by him?

VON WEIZSÄCKER: I believe there was not only one but many who acted in that way and had connection and influence with Hitler of course. That could not be verified, but it could be concluded from the results.

DR. VON LÜDINGHAUSEN: Do you know why, for what reason, the Anti-Comintern Pact with Japan in November 1935 was not signed by Von Neurath but by the then Ambassador Von Ribbentrop in London?

VON WEIZSÄCKER: Was not that in 1936?

DR. VON LÜDINGHAUSEN: 1936; yes that is right.

VON WEIZSÄCKER: I assume for the reason that Hitler always liked to put several persons on to certain work, and he would then select from among them the one he considered best suited to carry the work through.

DR. VON LÜDINGHAUSEN: Was Von Neurath at all in agreement with this Anti-Comintern Pact?

VON WEIZSÄCKER: That I do not know.

DR. VON LÜDINGHAUSEN: What was Von Neurath's policy regarding personnel? Did he try to keep old officials in office, or did he bring in National Socialist officials?

VON WEIZSÄCKER: Herr Von Neurath was very anxious to retain the old and familiar Foreign Office staff, in the Foreign Office, as well as in positions abroad.

DR. VON LÜDINGHAUSEN: But that changed the moment he resigned?

VON WEIZSÄCKER: Not immediately, but later on to an increasing extent.

DR. VON LÜDINGHAUSEN: Now, just two more questions. What was the attitude of Herr Von Neurath when he was no longer Foreign Minister and the Sudeten questions became acute, in the autumn of 1938; and what part did he play at the Munich Conference?

VON WEIZSÄCKER: I recall a scene in the Reich Chancellery, a day before the Munich Agreement, when Herr Von Neurath very strongly recommended pursuing a policy of appeasement and following the suggestion of Mussolini to hold a four-power conference.

DR. VON LÜDINGHAUSEN: Do you know that after Von Neurath had left the Foreign Office that office was forbidden to give him any information about foreign politics?

VON WEIZSÄCKER: I think I remember that the successor of Herr Von Neurath kept to himself information his predecessor received about foreign political matters.

DR. VON LÜDINGHAUSEN: I have no further questions.

DR. LATERNSER: Herr Von Weizsäcker, you were German Ambassador to the Holy See in Rome from the summer of 1943?

VON WEIZSÄCKER: Yes.

DR. LATERNSER: At the same time the commander-in-chief in the Italian theater of war was Field Marshal Kesselring?

VON WEIZSÄCKER: Yes; that is, he was the commander-in-chief in that theater from 25 September 1943. Before that time an Italian general held the post.

DR. LATERNSER: Were you frequently called upon by Kesselring to settle differences between the German Army on one hand and the civil authorities on the other?

VON WEIZSÄCKER: There was constant communication between Field Marshal Kesselring and my own office, not only in order to straighten out differences, but above all to prevent differences.

DR. LATERNSER: Did you, through your frequent contacts with Field Marshal Kesselring, gain a personal impression with regard to the attitude of the military . . .

THE PRESIDENT: Dr. Laternser, we are not trying Kesselring. What relevance has this question got?

DR. LATERNSER: This question is relevant because in the cross-examination of Field Marshal Kesselring the Prosecution produced incriminating material to the effect that the military leadership in Italy did not observe the usages of war and the laws of humanity. I distinctly remember that you, Mr. President—and this may be seen on Pages 5803 and 5805 (Volume IX, Pages 234, 235)—said in reply to an objection by Dr. Stahmer that it was material incriminating the General Staff. I should like to ask the witness now present a few questions about this incriminating material.

THE PRESIDENT: If you wish to ask him anything that he knows about accusations which have been made by the Prosecution against Kesselring as a member of the General Staff, then you may do that.

DR. LATERNSER: Yes, Mr. President. I started and that was to be a preparatory question.

Herr Von Weizsäcker, were the objects of art of Italy in the Italian theater of war spared and put in safekeeping?

VON WEIZSÄCKER: The German Wehrmacht, under the leadership of Field Marshal Kesselring, made the greatest efforts to spare and protect edifices, property, and objects of art belonging to the Church. This was a large chapter in the activities of the staff of Field Marshal Kesselring, and success was not wanting.

DR. LATERNSER: Can you give us one or two especially significant examples on this point?

VON WEIZSÄCKER: Yes, there are a lot of examples. I would like to mention that 6 months or a year ago an exhibition of manuscripts, incunabula, and similar things, was held in the Vatican. The German Wehrmacht is to be thanked for having saved a large part, if not the greater part of these objects.

DR. LATERNSER: That is sufficient, Herr Von Weizsäcker. The high military command in Italy is accused of having treated the Italian population with especial harshness and cruelty. Can you tell us anything about the fact that precisely on the part of the high military command in Italy special measures were taken for the feeding of the population at a period when the food problem was difficult?

VON WEIZSÄCKER: Does this question refer especially to the food problem?

DR. LATERNSER: Yes, the food problem in Rome.

VON WEIZSÄCKER: Well, my field of observation was only Rome. But there I can say that Field Marshal Kesselring told me one day that half his time was taken up with the question of feeding Rome. And I knew one of the higher military officials—I believe his name was Seifert or something like that—who with great devotion concerned himself with this task and carried it through with success.

DR. LATERNSER: Now my last question, Herr Von Weizsäcker: Through your observations of the activities of the high military leaders in Italy you must have gained a personal impression of these people. Did you get the impression that there was a sincere effort on the part of these military leaders to observe the laws of war and the laws of humanity?

VON WEIZSÄCKER: That is a matter of course, for otherwise certain results could not have come about. Perhaps it is not known here that in the autumn of 1943 the Holy See published a communiqué, an official communiqué, which especially praised the behavior of the German soldiers in Rome. Besides that, the sparing of the Eternal City could not have been realized if the German Wehrmacht had not behaved as it did.

DR. LATERNSER: And that was a special merit of Field Marshal Kesselring in particular?

VON WEIZSÄCKER: I would say that when the history of this time comes to be written first in the list of merit will be Pope Pius XII. Then praise will be accorded, in the second place to the German Wehrmacht under the leadership of Kesselring.

DR. LATERNSER: Thank you very much. I have no further questions.

DR. KUBUSCHOK: It has been asserted once that the Defendant Von Papen, who in the summer of 1934 had been appointed ambassador to Vienna, directed from that office a policy of aggressive expansion taking in the entire southeast up to Turkey; and that he, among other things, had offered neighboring states like Hungary and Poland territory to be gained from the intended partitioning of Czechoslovakia. Did this policy actually exist?

VON WEIZSÄCKER: I am sorry. I did not quite understand your question.

DR. KUBUSCHOK: Did this policy, which I just outlined, actually exist?

VON WEIZSÄCKER: My observation dates only from the late summer of 1936, as before that time I was abroad. I did not notice later that Herr Von Papen had carried on a southeastern policy for

Vienna, or that he was commissioned to do so. The Foreign Office could not entrust him with such a mission, for he did not come under the Foreign Office.

DR. KUBUSCHOK: And this policy, as just outlined, did that exist at all when you entered the Foreign Office?

VON WEIZSÄCKER: Please repeat the question.

DR. KUBUSCHOK: Did this policy of expansion on the part of Germany . . .

VON WEIZSÄCKER: Which policy?

DR. KUBUSCHOK: The aggressive policy of expansion on the part of Germany to the southeast as far as Turkey, the partitioning of Czechoslovakia, and the cession of parts of Czechoslovakia to Poland and Hungary.

VON WEIZSÄCKER: Yes. In 1939, no doubt?

DR. KUBUSCHOK: 1936—in 1936.

VON WEIZSÄCKER: No.

THE PRESIDENT: The Prosecution?

MAJOR JONES: Witness, I want to ask you one or two questions about the *Athenia* matter. You have told the Tribunal that you, yourself, saw the American chargé d'affaires and informed him, about the middle of September, that the *Athenia* could not have been sunk by a German U-boat. That is so, is it not?

VON WEIZSÄCKER: I did not see the American chargé d'affaires in the middle of September, but on the day on which I heard of the sinking, and that must have been, perhaps, 3, 4, or 5 of September.

MAJOR JONES: Were you already assuring the American representatives as early as that that a U-boat could not have been responsible?

VON WEIZSÄCKER: That is correct.

MAJOR JONES: And did you recommend, or rather, did the German Foreign Office recommend that the Commander-in-Chief of the German Navy should receive the American naval attaché and tell him the same thing, namely, that a U-boat could not have sunk the *Athenia*?

VON WEIZSÄCKER: That I do not know. I only dealt with the chargé d'affaires.

MAJOR JONES: I would like you to look at a new document, Document Number D-804, which will be Exhibit GB-477, which is an extract from the SKL on the *Athenia* case. You will see that

that is a report from Neubauer to the naval attaché and it reads as follows:

"The Foreign Office has had a report of the meeting between the Commander-in-Chief of the German Navy and the American naval attaché, on 13 September 1939, passed on to it by telephone. It is worded as follows:

" 'On the 16th of September, at about 1300 hours, the Commander-in-Chief of . . .' "

VON WEIZSÄCKER: I am sorry; I have not found the place as yet.

MAJOR JONES: Perhaps you would like to follow the English copy, Witness, if you would like.

I read the second paragraph:

" 'On the 16th of September, at about 1300 hours, the Commander-in-Chief of the Navy received the American naval attaché on the advice of the Reich Foreign Minister and told him more or less the following: He had intended for some days already—as he knew—to write him that he should visit him in order to tell him his opinion about the sinking of the *Athenia,* in view of the continued agitation about it. However, he had waited for the return of those of the submarines that had been employed in waging war against merchant ships at the time in question and which might possibly be concerned, in order to receive reports about their activity personally. He repeated most emphatically that the sinking of the *Athenia* was not caused by a German submarine. The ship nearest to the place of the incident was at the time actually situated about 170 sea miles away from the place of the sinking. Besides this, the instructions as to how the commanders were to wage war against merchant shipping, had after all been published. Up to date, in no case had these instructions been even slightly disregarded. On the contrary, an American captain reported a short time before about the particularly courteous and chivalrous behavior of the submarine commanders.' "

Well, now, it is clear from that, is it not, that the German Foreign Office was most anxious to cover up this matter of the *Athenia* as best it could; was it not?

VON WEIZSÄCKER: No; there was nothing to be covered up.

MAJOR JONES: When you discovered at the end of September that in fact it was the *U-30* that had sunk the *Athenia,* there was then a good deal to be covered, was there not?

VON WEIZSÄCKER: I believe that I stated already yesterday that I had heard nothing to that effect.

MAJOR JONES: Are you saying that you did not know at the end of September, on the return of the *U-30,* that the *U-30* had in fact sunk the *Athenia?*

VON WEIZSÄCKER: I do not remember that in any way at all.

MAJOR JONES: When did you first discover that the *U-30* had sunk the *Athenia?*

VON WEIZSÄCKER: As far as I remember, not at all during the war.

MAJOR JONES: But I understood you to say yesterday that you thought that the publication in the *Völkischer Beobachter,* accusing Mr. Winston Churchill of sinking the *Athenia,* was a piece of perverse imagination; is that right?

VON WEIZSÄCKER: Completely.

MAJOR JONES: Are you really saying to the Tribunal that —though you were in a responsible job—are you saying to the Tribunal that you did not discover the true facts about the *Athenia* until the end of the war, when you were directly concerned in the Foreign Office with this matter?

VON WEIZSÄCKER: I told you already yesterday what I know about this. It seems, does it not, that it was realized later by the Navy that the sinking of the *Athenia* was due to the action of a German submarine, but I cannot at all remember that I or the Foreign Office were informed of this fact.

MAJOR JONES: At any rate, the Defendant Raeder took no steps to correct the information that had been passed to the American diplomatic representatives, did he?

VON WEIZSÄCKER: I do not recall at all that Admiral Raeder advised me or the Foreign Office of the fact.

MAJOR JONES: Now, with regard to the Defendant Von Neurath.

If it please the Tribunal, I am not proposing to question the witness as to the earlier diplomatic history, as this Tribunal has indicated that it is desirable to reserve the matter for the defendants as they go into the witness box later.

[Turning to the witness.] But I want to ask you a general question. What was the earliest date at which responsible officials of the Foreign Office, like yourself, first realized that Hitler intended to wage aggressive war?

VON WEIZSÄCKER: That the foreign policy of Hitler's Government was a dangerous one I realized clearly for the first time in May 1933; the fact that an aggressive war was planned, perhaps, in the summer of 1938, or at least that the course pursued in foreign policy might very easily lead to war.

MAJOR JONES: Already in April 1938, the foreign political situation was so tense that you sent a special memorandum to all German diplomatic representatives dealing with the situation—the critical situation of Germany.

VON WEIZSÄCKER: That may be. May I be permitted to read the document?

MAJOR JONES: I want you to look at Document Number 3572-PS, which is a memorandum of the 25th of April 1938, signed by yourself, and a copy of which was sent to all the German diplomatic representatives. It will be Exhibit GB-478. That document reads:

> "Since the work in the field of preparation for the mobilization has made further progress within Germany in the Armed Forces and in all civil administrations including the Foreign Office, it is necessary now that in the case of government offices abroad corresponding measures also be taken in their area of jurisdiction without delay."

And then there follows a series of instructions as to the actions that are to be taken on the commencement of the period of crisis, or of actual mobilization, and there is an insistence in the last paragraph but one:

> "I request the heads of offices, without waiting for further instructions, to start considering now the measures to be taken in their sphere of activity in the case of an emergency. In the interest of absolute secrecy it must be observed strictly that the number of people informed remains as restricted as possible."

That suggests, does it not, that as early as April 1938 you were conscious of the imminent approach of actual mobilization; is that so?

VON WEIZSÄCKER: May I ask, is this document really dated the year 1938, or is it 1939? I cannot quite distinguish the date.

MAJOR JONES: It is dated the 25th of April 1938.

VON WEIZSÄCKER: Well, that may be.

MAJOR JONES: Now, you yourself were opposed to Hitler's aggressive foreign policy, were you not?

VON WEIZSÄCKER: I did not quite understand your question.

MAJOR JONES: You yourself were opposed to Hitler's aggressive foreign policy, were you not?

VON WEIZSÄCKER: I personally, completely.

MAJOR JONES: Did you endeavor to persuade the Defendant Von Neurath also to oppose Hitler's aggressive foreign policy?

VON WEIZSÄCKER: Herr Von Neurath was not Foreign Minister at that time.

MAJOR JONES: But he continued to be a very important functionary of the Nazi State, did he not?

VON WEIZSÄCKER: I believe that his influence in that period was even smaller than before; but I kept in touch with him, and I think I agreed with his opinion and he with mine.

MAJOR JONES: And yet he continued to serve the Nazi State, in particular, in a territory which was acquired as a result of this policy of aggression; is that not so?

VON WEIZSÄCKER: I should be grateful if this question would be put to Herr Von Neurath rather than to me.

MAJOR JONES: If you please. Now, you were in Italy and in Rome, were you not, in March of 1944?

VON WEIZSÄCKER: Yes.

MAJOR JONES: You have given me some evidence as to the behavior of the German forces in Italy. Were you in Rome at the time of the massacres in the Hadrian Cave? You remember the incident, Witness, do you not?

VON WEIZSÄCKER: Yes.

MAJOR JONES: When 325 Italians were murdered and 57 Jews were thrown in as a bit of makeweight. You were there when that happened, were you not?

VON WEIZSÄCKER: I believe it was 320 prisoners who were murdered in this cave which you just mentioned.

MAJOR JONES: Yes. Were you consulted about that matter?

VON WEIZSÄCKER: No.

MAJOR JONES: That was an action by German forces, was it not?

VON WEIZSÄCKER: I believe by the German Police, and not by the German Armed Forces.

MAJOR JONES: And you know, Witness, that there were many murders of that kind carried out by the SS during the period of German activity in Italy, do you not?

VON WEIZSÄCKER: I do not know about many murders having taken place, but I believe that the German Police were quite capable of such things.

MAJOR JONES: You know that they left a record of terror and brutality wherever they left their mark upon Italy; is that not so?

VON WEIZSÄCKER: The German Police, yes.

MAJOR JONES: I have no further questions.

THE PRESIDENT: Do you want to re-examine?

DR. SIEMERS: I have no more questions, Your Honor.

THE PRESIDENT: Then the witness can retire.

DR. SIEMERS: Mr. President, may I now call the witness Vice Admiral Schulte-Mönting.

THE PRESIDENT: Yes, go ahead.

[The witness Schulte-Mönting took the stand.]

THE PRESIDENT: Will you state your full name?

ERICH SCHULTE-MÖNTING (Witness): Erich Schulte-Mönting.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down.

DR. SIEMERS: Admiral, please tell us briefly what positions you held from 1925 to 1945, particularly in what positions you served immediately under Admiral Raeder.

SCHULTE-MÖNTING: From 1925 to 1928 I was naval adjutant to Reichspräsident Hindenburg and, as such, simultaneously second adjutant to the Chief of the Naval Command Staff. Consequently my first collaboration with Raeder dates back to 1928.

From 1929 until 1933 I had several front commands. From 1933 to 1937 I was first adjutant to Raeder. From 1937 to 1939 I had several front commands. From 1939 to 1943 I was Admiral Raeder's Chief of Staff; and up to 1944 I remained Admiral Dönitz' Chief of Staff. In January 1944 I was naval commander in southern France until the invasion; subsequently commanding general in North Trondheim. After the collapse I was employed for some months with the British Navy in winding up activities. Then in the autumn I was interned in a camp for generals in England.

DR. SIEMERS: Please tell me, if you can remember, in which month of 1939 you started to work with Raeder.

SCHULTE-MÖNTING: The first of January 1939.

DR. SIEMERS: Can you tell us briefly anything about Raeder's prestige as a navy expert, especially abroad? I mean only with regard to technical naval questions.

SCHULTE-MÖNTING: Yes. I believe that through the many years of service I had with Raeder, and the many conversations I had with foreigners, I have been able to form some idea. After all, Raeder was head of the Navy for 15 years. He was known, or rather had a name, as a naval officer and as Chief of Staff of the

last Commander-in-Chief of the German Imperial Navy, Admiral Hipper, the opponent of the famous British Admiral Beatty in the Skagerrak battle. He was known . . .

THE PRESIDENT: Witness, will you kindly observe that light. When the yellow light goes on, you are talking too fast. When the red light goes on, you must stop.

SCHULTE-MÖNTING: He was known through his literary activity at the time of the "Tirpitz Era," when he edited the *Nautikus,* and later, after the first World War, through his two works on cruiser warfare in the last World War, for which he received an honorary doctor's degree and which, I should say, gained him a reputation among experts.

DR. SIEMERS: The defendant is accused of building up the Navy with the intention of carrying on an aggressive war, and this even after the Treaty of Versailles was already in force.

SCHULTE-MÖNTING: That is not correct. Never in all my conversations which I had with Raeder was the thought—much less the word—of an aggressive war mentioned. I believe that all his actions and his directives contradict this.

DR. SIEMERS: Were there possibly any ideas of a strategic nature under consideration, while the Versailles Treaty was in force, with a view to an aggressive war?

SCHULTE-MÖNTING: Never.

DR. SIEMERS: What was the basic reason for the maneuvers held by the Navy from the years 1932 until 1939?

SCHULTE-MÖNTING: They were held exclusively with a view to the security, protection, and defense of the coastal waters and the coast itself.

DR. SIEMERS: Was a war with England taken as a basis for any of these maneuvers between 1932 and 1939?

SCHULTE-MÖNTING: No, that was never made a basis, and I believe that would have appeared impossible and unreasonable to every naval officer. I remember that even at the beginning of the year 1939 Raeder issued a directive to the front commanders to hold maneuvers, in which he excluded a maneuver directed against England as an impossibility. It was forbidden to carry out that maneuver at all.

DR. SIEMERS: Admiral, it is now confirmed, as you know, that the Navy in the twenties, with the knowledge of the then parliamentary government, violated the Treaty of Versailles. These questions have been discussed a great deal here, therefore, we can be brief.

I should like to ask you generally: Is it possible from these violations, which are known to you, to deduce aggressive intentions?

SCHULTE-MÖNTING: No, I consider that is completely out of the question. The violations were so insignificant and were based so exclusively on protection and defense that I think it is impossible to construe them as aggressive intentions.

DR. SIEMERS: Can you give us briefly a few instances or name a few cases where violations took place?

SCHULTE-MÖNTING: First of all, they were limited to the installation of coastal batteries, antiaircraft batteries, the procuring of mines and similar things, all of which were exclusively for the purpose of defense or protection.

DR. SIEMERS: Did these violations of the Treaty of Versailles —or, shall we say, the slight deviations—become known to the Inter-Allied Commission in whole or in part, and did that commission partly overlook these things because they were really trifles?

SCHULTE-MÖNTING: Yes. I would say it was an open secret.

DR. SIEMERS: May I ask you, Admiral, to pause between question and answer so that the interpreters can keep up. Just pause a moment after my questions before you reply. May I ask you to repeat the answer to my question with regard to the commission?

SCHULTE-MÖNTING: I would say that it was an open secret. It was just passed by.

DR. SIEMERS: As proof that these violations of the treaty were made with the intention of waging aggressive war the Prosecution has several times presented the book by Post Captain Schüssler entitled *The Navy's Fight against Versailles.* It is Document C-156. I will have this document submitted to you in the original. In order to save time and not to burden the Tribunal again with details—I do not want to go into details—I shall just ask you: What do you know about this book, and what caused it to be written at all? When was it written and what is your general opinion about it?

SCHULTE-MÖNTING: I know this book. It came about as a result of the attacks of the National Socialist regime in the years 1934 and 1935, which blamed the preceding government and the Navy for not having done enough in the past to arm the nation and for not even having exhausted the possibilities of the Treaty of Versailles. Consequently, the idea arose at that time of publishing a sort of justification. This brochure is to be considered in that light; a sort of justification for, I might say, sins of omission.

This booklet was later never actually published, or rather it was withdrawn from circulation because it was, I might say, a rather

poor attempt, for, after all, it contains no challenging points which might be classified as rearmament.

DR. SIEMERS: Was this booklet distributed within the Navy later on?

SCHULTE-MÖNTING: No. As I said, it was withdrawn from the circles which had already had it and it was also severely criticized.

DR. SIEMERS: Was the book withdrawn on Raeder's orders?

SCHULTE-MÖNTING: I believe so, yes.

DR. SIEMERS: Through this book and another document, by Assmann, a charge has been brought concerning the known endeavors made with a construction firm in Holland. And it was also said yesterday that, by order of Admiral Raeder, U-boats were built for Germany in Finland and in Spain. Is that correct?

SCHULTE-MÖNTING: That is not correct. The U-boats which were designed by the Dutch firm, and which were built abroad, were not built for the German Navy, but for foreign countries.

DR. SIEMERS: Do you know for whom they were built? Who received the boat which was built in Finland?

SCHULTE-MÖNTING: I believe Turkey received one, and one went to Finland.

DR. SIEMERS: Then the ships were constructed for foreign orders and for a foreign country?

SCHULTE-MÖNTING: Yes.

DR. SIEMERS: What advantages at all did the Navy have from their collaboration in the construction?

SCHULTE-MÖNTING: We were only interested in keeping alive the experiences gained in U-boat warfare during the last World War. Consequently the Navy was interested in seeing that constructors of U-boats continued along those lines.

DR. SIEMERS: In your opinion, was that prohibited according to the Treaty of Versailles?

SCHULTE-MÖNTING: No, I know of no paragraph which prohibits our activity in foreign countries along those lines.

DR. SIEMERS: In the beginning of February 1933 Admiral Raeder made his first naval report to Hitler. Do you know what Hitler, on that occasion, gave Raeder as the basis for rebuilding the Navy?

SCHULTE-MÖNTING: Yes, I remember it exactly, because it was the first report which the then Chief of the Naval Command Staff, Admiral Raeder, made to the Reich Chancellor Hitler.

Hitler said to Raeder that the basis of his future policy was to live in peace with England and that he intended to demonstrate that by trying to conclude a naval agreement with England. In this he wanted the German Navy to be kept relatively small. He wished to recognize Britain's naval superiority because of her position as a world power. He would accordingly suggest an appropriate ratio of strength. He wanted an understanding with regard to the construction of our Navy; and we should take these, his political points of view, into consideration. Raeder was impressed with the statements, for they were completely in accordance with his own basic attitude.

DR. SIEMERS: Within the framework of this policy the German-British Naval Agreement was then concluded in 1935. Was the Navy as a whole and Raeder in particular pleased with this agreement, or did they see certain disadvantages in it?

SCHULTE-MÖNTING: Raeder and the Navy were very pleased with this agreement, although we had to impose voluntarily upon ourselves severe limitations for a certain length of time. By this agreement, in comparison with the Washington conference, I should say we ranged among the smallest sea powers. In spite of that, this agreement was generally welcomed, because friendly relations with the British Navy were desired, and it was believed that if we followed a wise and moderate policy, England in return would show her appreciation.

DR. SIEMERS: Do you know whether at that time Hitler as well approved of the agreement in that form and was pleased about it?

SCHULTE-MÖNTING: Yes, I can affirm that. Raeder and I happened to be together with Hitler in Hamburg the day this agreement was concluded, and Hitler said to Raeder when this fact was reported to him:

> "This is the happiest day of my life. This morning I received word from my doctor that my throat trouble is insignificant, and now this afternoon I receive this very gratifying political news."

DR. SIEMERS: You have already stated, Admiral, that the naval agreement was welcomed by the Navy. You will recall that in the year 1937 a modified naval agreement was concluded with England. Was the attitude of the Navy to that question still the same at that time?

SCHULTE-MÖNTING: Yes, absolutely. The Naval Agreement of 1937 brought merely one, I might say, additional clause. This was for an exchange of information; and we had also reached an agreement with the British Navy with regard to a fixed U-boat tonnage. We had no reason . . .

DR. SIEMERS: Admiral, referring to the U-boat tonnage, I remember the 1935 agreement: 100 percent of the British U-boat tonnage; Germany limited herself to 45 percent, but reserved the right to increase the tonnage up to possibly 100 percent, in which case she must, however, notify England and discuss it with the British Admiralty.

Was this notification about the increase to 100 percent given, and if so, when and in what way?

SCHULTE-MÖNTING: After we had reached 100 percent, Admiral Cunningham was in Berlin and on that occasion the fact was discussed once more. Whether a written confirmation was made in addition I no longer recall. I take it for granted because that was the purpose of the agreement of 1937. On the occasion of his visit in December 1938, Admiral Cunningham explicitly gave Britain's agreement to the final 100 percent equality in U-boats. That is the way I, or rather all of us, interpreted his visit.

DR. SIEMERS: Do you remember whether there was a special conversation, or a conversation between Admiral Cunningham and Raeder, on the occasion of this visit, in which Admiral Cunningham discussed generally the relations between the German and the British Navy, and between Germany and England?

SCHULTE-MÖNTING: I had the personal impression that Cunningham and Raeder parted on very friendly terms. At Cunningham's departure there was a breakfest for a rather limited circle, and on that occasion Cunningham expressed his pleasure at the conclusion of the naval agreement, concluding his speech with a toast to the effect that now all these questions had been settled at last, and it was to be hoped that in the future there would be no war between our navies.

THE PRESIDENT: What is the date of this incident?

DR. SIEMERS: December 1938. I believe that is correct, Admiral?

SCHULTE-MÖNTING: As far as I remember, December 1938.

DR. SIEMERS: I remember the date from the testimony given by Admiral Raeder. I myself knew only that it took place in 1938.

THE PRESIDENT: What Admiral Cunningham is it?

DR. SIEMERS: I do not know, I am not a naval expert. Perhaps Admiral Schulte-Mönting can tell us.

SCHULTE-MÖNTING: I did not understand the question, Doctor.

DR. SIEMERS: Which Admiral Cunningham is that?

SCHULTE-MÖNTING: The present Lord Cunningham. The elder of the two.

DR. SIEMERS: Mr. President, may I point out that it must have been on 30 or 31 December 1938, as far as we, or rather as far as Raeder recalls.

[Turning to the witness.] From 1933 until 1939 was Raeder confident that Hitler would not start a war?

SCHULTE-MÖNTING: Yes. Raeder was completely confident of that. As proof of this I may say that actually nothing was changed in our building program within that period. That would have been necessary if one had had to prepare oneself, at least mentally, for an armed conflict.

DR. SIEMERS: In what respect would the building program have had to be changed if one had wanted to wage an aggressive war?

SCHULTE-MÖNTING: It would have been necessary to give priority at least to the U-boat building program.

DR. SIEMERS: Was it clear to you and to the leading naval officers that a real aggressive war started by Germany would perforce result in a war with England?

SCHULTE-MÖNTING: Yes. The knowledge of this fact is proof in my opinion that a war of aggression was not planned.

DR. SIEMERS: Admiral, now in 1938 and 1939 incidents took place which perhaps justified a certain amount of skepticism. I should like to remind you of the crisis in the autumn of 1938 concerning the Sudetenland which almost led to war, which was then prevented only at the last moment through the Munich Agreement. I should like to call your attention specifically to the occupation of the rest of Czechoslovakia in March of 1939, which was contradictory to the Munich Agreement.

Now, what was the attitude of Raeder to this incident, which you must know as you spoke to him practically every day.

SCHULTE-MÖNTING: As Hitler had stated expressly at Munich that he was interested only in the German areas of Czechoslovakia; and, even though perhaps he seemed exceedingly determined to the outside world, was actually willing to negotiate, Raeder and the leading circles in the Navy believed that these things would be adjusted politically.

With the occupation of Czechoslovakia a great disquiet certainly did arise among us. But we were firmly convinced that Hitler would not make any exaggerated demands, and that he would be prepared to settle these matters politically, because we could not imagine that he would expose the German people to the danger of a second world war.

DR. SIEMERS: Did you know that before the agreement with Hacha was made, under rather strange circumstances, a bombardment of Prague had allegedly been threatened; or did Raeder know anything about that?

SCHULTE-MÖNTING: I do not believe that Raeder knew anything about this. I am hearing about it for the first time now.

DR. SIEMERS: Now I shall turn to the Document L-79. This is a speech delivered by Hitler on 23 May 1939; that is the so-called "Little Schmundt File."

Mr. President, this is Exhibit USA-27, and is to be found in Document Book Number 10, Page 74, of the British Delegation. I am submitting this document to the witness.

[Turning to the witness.] This speech delivered by Hitler on 23 May 1939 was recorded by the adjutant on duty, Lieutenant Colonel Schmundt. As far as I know, Raeder, on the same day, discussed this speech with you in detail. At that time you had been Chief of Staff for a period of about 6 months. From your later activity are you familiar with the type of recording which was customary for military speeches?

SCHULTE-MÖNTING: This record can really not be considered a true account. I have from this record . . .

THE PRESIDENT: Dr. Siemers, in the first place, your question was very much leading. You did not ask him a question. You put into his mouth what had happened. That is altogether wrong. You ought to have asked him, if you wanted to prove a conversation he had with Raeder, whether he did have a conversation with Raeder. You have told him that he had a conversation with Raeder. The purpose of examination is to ask questions, and then he could tell us if he had a conversation with Raeder. He cannot tell us whether this is a true account or a true form of the account when he was not at the meeting himself.

DR. SIEMERS: I wish to thank the High Tribunal, and I shall try to put the questions properly. The witness . . .

THE PRESIDENT: Not only that, but the Tribunal cannot listen to this witness' account, or his opinion as to whether this is a true account of a meeting at which he was not present.

DR. SIEMERS: Mr. President, the witness, as Chief of Staff, has always seen the exact minutes on important meetings. They were delivered to him in accordance with the distribution list. Therefore, as this document is of a decisive nature, I should like to determine whether Schulte-Mönting, as Chief of Staff, received the minutes or whether he just received knowledge of the contents

through Admiral Raeder's immediate reporting. That was the purpose of my question.

THE PRESIDENT: I beg your pardon, you mean you want to ask him whether he ever saw this document. Yes, you may certainly ask him that. Ask him if he saw the document.

DR. SIEMERS: I beg your pardon, Your Honor, but I believe the answer of the witness was lost in the interpretation, and if I am correct . . .

THE PRESIDENT: Never mind about his answer; the question is what question you are to put to him, and he can answer whether he ever saw the document.

DR. SIEMERS: Yes, I shall put that question.

Admiral, did you get to see this document at the time?

SCHULTE-MÖNTING: No, I am just seeing it now for the first time, here in Nuremberg.

DR. SIEMERS: How did you hear about the contents of the speech of 23 May?

SCHULTE-MÖNTING: Raeder informed me fully, as a matter of principle, after every speech or conference, confidential or otherwise. Immediately after the speech, Raeder gave me his impressions which are in contradiction to these so-called minutes. Raeder did not have this, I might say, exaggerated bellicose impression which is apparent in this document. But, on the other hand . . .

THE PRESIDENT: The witness must tell us what Raeder said to him. That is what I told you before. He may tell us what Raeder said to him.

DR. SIEMERS: Admiral, I should like you to tell us just what Raeder said to you.

SCHULTE-MÖNTING: Raeder told me that Hitler in his speech said there was a prospect of a future conflict with Poland, and that this was in contradiction to those things which he had discussed with him alone. That the speech in itself was contradictory, was the impression he expressed to me at that time. He also told me that after the speech he had had a conversation with Hitler alone during which he called his attention to the contradictions contained in the speech. At the same time he reminded Hitler of what he had told him previously, namely that he would settle the Polish case under all circumstances in a peaceful way; and now he was considering a warlike solution possible. Hitler, he said, had reassured him and had told him that politically he had things firmly in hand. Then when Raeder asked him, or rather called

his attention to this contradiction and asked him just what he really intended to do, Hitler had answered, Raeder told me, the following:

"I Hitler, have three ways of keeping secrets. The first, when we two speak alone; the second, when I, Hitler, keep them to myself; the third, for problems of the future, which I do not think out to an end."

Raeder called his attention to the impossibility of a warlike conflict. To that, according to Raeder, Hitler replied:

"It is as if you and I had agreed on a settlement of one mark. Now, I, Hitler, have already paid you 99 pfennig. Do you think that because of this last 1 pfennig you would take me to court?"

And Raeder said "No."

"You see"—Hitler said to Raeder—"I have got what I want by political means, and I do not believe that because of this last political question"—the solution of the Polish Corridor, as we called it—"we will have to anticipate a war with England."

DR. SIEMERS: And that was in a conversation between Hitler and Raeder after this speech had been made?

SCHULTE-MÖNTING: That took place after this speech.

THE PRESIDENT: We will break off now.

[A recess was taken.]

DR. SIEMERS: Admiral, with regard to the minutes which I have shown you, I have one final question: Did you personally, as Chief of Staff, also receive and read all minutes which were sent to Raeder?

SCHULTE-MÖNTING: Yes, as a rule I saw all minutes and reports before they were given to Raeder.

DR. SIEMERS: Was Admiral Reader of the opinion—excuse me, I should like to put the question differently.

What was Raeder's point of view concerning the Navy and politics?

SCHULTE-MÖNTING: Raeder's opinion was that we, the Navy, had nothing to do with politics. He adopted that attitude as an order and a trust received from the old Reich President, Von Hindenburg, who, when appointing Raeder to be head of the Navy, imposed that as a duty upon him.

DR. SIEMERS: I now come to Norway. What were the reasons which induced Raeder, in September and October 1939, to consider a possible occupation of Norway?

SCHULTE-MÖNTING: The reasons were the reports which came from various sources about alleged intentions of an occupation of Norway by the Allies. These reports came from the following sources: First, Admiral Canaris, who was the chief of our intelligence service. He reported to Raeder, in my presence, once a week, the information that had come in. Secondly, the reports that came from the naval attaché in Oslo, Korvettenkapitän Schreiber, which indicated that rumors were increasing that the Allies intended to drag Scandinavia into the war in order to prevent, if possible, the iron ore exports from Sweden to Germany. We did not consider these reports altogether impossible, because, as documentary evidence from the last World War proves, Churchill had seriously considered the occupation of Norway.

DR. SIEMERS: Was there a further source for reports of that kind?

SCHULTE-MÖNTING: Admiral Carls, the Commander-in-Chief of Group North, had received similar reports which he passed on orally and in writing.

DR. SIEMERS: Do you remember any details from these reports which you could give us quite briefly?

SCHULTE-MÖNTING: Yes. There were reports concerning the presence of British air crews in Oslo, allegedly posing as civilians. There were reports about Allied officers making surveys of Norwegian bridges, viaducts, and tunnels all the way to the Swedish border, which was taken as an indication that the transportation of heavy material and equipment was planned. And last but not least there were reports about a secret mobilization of Swedish troops because of the alleged danger to the ore areas.

DR. SIEMERS: What danger arose for Germany on account of that?

SCHULTE-MÖNTING: If Norway were to have been actually occupied, the conduct of the war in the North Sea would have become almost impossible, and it would have been very difficult in the Baltic Sea. The ore imports most probably would have been stopped. The danger from the air would have become terrible for north Germany and the eastern territories. In the long run the North Sea and the Baltic would have been blocked completely, which eventually would have led to the total loss of the war.

DR. SIEMERS: What did Admiral Raeder do on the basis of these considerations?

SCHULTE-MÖNTING: He reported to Hitler about his misgivings and called his attention to the dangers.

DR. SIEMERS: When was that report made?

SCHULTE-MÖNTING: If I remember correctly, in the autumn of '39.

THE PRESIDENT: Dr. Siemers, until the adjournment, will you go very slowly because, owing to the power of the electrical recording being off, what is happening here in Court is impossible to take and therefore we have to rely solely upon the shorthand notes which cannot be checked back against the electrical recording. Do you understand? Therefore I want you to go rather more slowly than usual.

DR. SIEMERS: When was the conference between Hitler and Raeder in which Raeder for the first time pointed out these dangers?

SCHULTE-MÖNTING: In October 1939.

DR. SIEMERS: According to the War Diary that conference took place, which of course you cannot remember offhand, on 10 October. At any rate you probably mean that conference.

SCHULTE-MÖNTING: Yes.

DR. SIEMERS: Did Hitler then, as a result of that conference, make a final decision?

SCHULTE-MÖNTING: No, in no way at all.

DR. SIEMERS: Did discussions about that subject then take place continually between Hitler and Raeder?

SCHULTE-MÖNTING: No. No further discussions along that line took place then until perhaps the end of the year. Only when the reports which I mentioned before were received in increasing numbers was that subject taken up again.

DR. SIEMERS: Is it known to you that in December 1939 Quisling came to Berlin and also talked with Raeder?

SCHULTE-MÖNTING: Yes, that is known to me, and I took part in that meeting.

DR. SIEMERS: What did Quisling tell Raeder?

SCHULTE-MÖNTING: Quisling came on a recommendation from Rosenberg and said he had important news of a military and political nature. He confirmed, more or less, the things which we knew already.

DR. SIEMERS: Were only the military dangers discussed in this conference?

SCHULTE-MÖNTING: Only these things were discussed; the conference was very short.

DR. SIEMERS: No political questions were discussed?

SCHULTE-MÖNTING: No, not at all.

DR. SIEMERS: Do you know when Raeder met Quisling for the first time?

SCHULTE-MÖNTING: On the occasion of that visit.

DR. SIEMERS: Did Raeder have at that time any close connections with Rosenberg?

SCHULTE-MÖNTING: No, he knew him casually, having just seen him a few times.

DR. SIEMERS: Had Rosenberg informd Raeder before about the relations between Rosenberg and Quisling?

SCHULTE-MÖNTING: No, not to my knowledge.

DR. SIEMERS: What did Raeder do when Quisling confirmed the reports received from Canaris and other sources?

SCHULTE-MÖNTING: As the things we suspected were confirmed from Norway, Raeder considered this so serious that he went immediately to Hitler.

DR. SIEMERS: Do you also know what he suggested to Hitler?

SCHULTE-MÖNTING: Hitler wanted to talk to Quisling himself.

DR. SIEMERS: And that took place?

SCHULTE-MÖNTING: Yes, it did.

DR. SIEMERS: Was a final decision made then concerning Norway, in December 1939?

SCHULTE-MÖNTING: No, Hitler directed that as a countermeasure theoretical preparations should be made for a German landing in Norway. The order, the final order, as far as I know was not given until March.

DR. SIEMERS: Was the landing in Norway an untertaking which you and Raeder considered a risky one or was it considered absolutely safe to do so?

SCHULTE-MÖNTING: No, Raeder and the gentlemen from the Naval Operations Staff and also the front commanders considered that undertaking very risky. I remember Churchill's speech in Parliament when he said, after he had been questioned about that matter, that he did not believe the German Navy would undertake that risk in face of the British Navy.

DR. SIEMERS: Do you know when Churchill made that statement, approximately?

SCHULTE-MÖNTING: I believe it was between 7 and 9 April.

DR. SIEMERS: 1940?

SCHULTE-MÖNTING: Yes, 1940.

DR. SIEMERS: What was your estimate at the Naval Operations Staff of the risks of losses?

SCHULTE-MÖNTING: Raeder had told Hitler that he would have to reckon on the possible complete loss of the fleet, and that if the operations were carried out successfully he would have to be prepared for the loss of about 30 percent of the forces used.

DR. SIEMERS: And how much was lost?

SCHULTE-MÖNTING: About 30 percent.

DR. SIEMERS: In view of the risk of losing the entire fleet, was Raeder at first in favor of that operation?

SCHULTE-MÖNTING: No. He considered a neutral attitude on the part of Norway as much better than having to take this risk.

DR. SIEMERS: The Prosecution have asserted that Raeder and the Naval Operations Staff recommended the occupation of Norway out of the desire for fame and conquest. What do you say about that?

SCHULTE-MÖNTING: The desire for fame was not in Raeder's character. The plans for operations which came from his desk bore the mark of bold daring, but also of thorough planning. One does not work out plans to the minutest detail covering the distance from German ports up to Narvik, which is about that from Nuremberg to Madrid, and one does not use the Navy against a superior British fleet for the sake of fame.

Raeder had told the Naval Operations Staff and the front commanders that he had to carry out that operation against all the rules of warfare because there was a compelling necessity to do so.

DR. SIEMERS: When did the actual drafting of the military operation take place at the Naval Operations Staff?

SCHULTE-MÖNTING: February 1940.

DR. SIEMERS: During the period from December 1939 until March 1940 did you continue to receive reports from the sources you have mentioned?

SCHULTE-MÖNTING: Yes.

DR. SIEMERS: Did these later reports contain a clearer indication as to the place of the landings, or did you not see the details about that?

SCHULTE-MÖNTING: Yes, they covered the areas between Narvik via Bergen to Trondheim, from Bergen to Oslo.

DR. SIEMERS: Did Raeder—excuse me, I want to put the question differently: What was the basis which Raeder suggested to Hitler for the relations between Germany and Norway?

SCHULTE-MÖNTING: To that I would like to...

DR. SIEMERS: Excuse me, I mean in the period after the operation was carried out and Germany had occupied Norway.

SCHULTE-MÖNTING: Raeder in speaking to Hitler advocated a policy of peace. He suggested repeatedly that attempts should be made for peace with Norway. He was in agreement in that respect with the German Commander-in-Chief in Norway, General-admiral Böhm, while Terboven, who was directing political matters, was of a somewhat different opinion.

DR. SIEMERS: Did serious conflicts arise in that respect between Terboven and his civil administration on the one side, and Raeder and Böhm and his colleague, Korvettenkapitän Schreiber, on the other?

SCHULTE-MÖNTING: Yes, there were serious differences and quarrels all the way up the line to Hitler. Hitler at that time told Raeder that he could not make peace with Norway because of France.

DR. SIEMERS: Admiral, you said, "because of France." Was it not possible to make peace with France also, and what was Raeder's attitude in that regard?

SCHULTE-MÖNTING: Raeder advocated the same thing concerning France.

DR. SIEMERS: And what did he say?

SCHULTE-MÖNTING: He tried to arrange a conference with Admiral Darlan in an effort to forward these matters. He had pointed out to Hitler, when the Atlantic Coast was fortified, that it would be better and more practical to make peace with France than to make great though inadequate sacrifices for defense. Hitler replied that he fully agreed but out of consideration for Italy he could not conclude a peace treaty with France.

DR. SIEMERS: Did the conversations between Raeder and Darlan take place?

SCHULTE-MÖNTING: Yes, near Paris.

DR. SIEMERS: Were you present?

SCHULTE-MÖNTING: No, Admiral Schultze, the Commanding Admiral in France.

DR. SIEMERS: Did Raeder tell you whether the results of the conversation were favorable?

SCHULTE-MÖNTING: Yes, he told me about the very favorable results.

DR. SIEMERS: Did Raeder report on that to Hitler?

SCHULTE-MÖNTING: Yes.

DR. SIEMERS: And in spite of that, Hitler refused?

SCHULTE-MÖNTING: Out of consideration for Mussolini.

DR. SIEMERS: According to your knowledge, did the Party or the leadership of the SS through Heydrich attempt to fight Raeder?

SCHULTE-MÖNTING: Heydrich repeatedly attempted to bring Raeder and the Navy into discredit with Hitler through defamatory remarks and by spying, either by posting spies in the officers corps or the casinos, or by misrepresenting or distorting news. Against these attacks, Raeder defended himself tenaciously and successfully.

DR. SIEMERS: Why was the Party against Raeder?

SCHULTE-MÖNTING: That is a question which is very difficult to answer. I believe mainly because, first of all, there were differences in the religious field. Many commanders before they put to sea for combat turned to Raeder for help so that during their absence their relatives would not have their religious freedom curtailed.

DR. SIEMERS: When did the first differences occur between Raeder and Hitler, and during what period did Raeder ask for his dismissal?

THE PRESIDENT: We have had that from that defendant himself, have we not? Raeder told us when he asked for it. No cross-examination about it.

DR. SIEMERS: Then may I ask you for what reasons Raeder remained?

SCHULTE-MÖNTING: First, because Hitler himself had asked him to stay, and gave him assurances for the integrity of the Navy. Furthermore, at that time, there were discussions about combining the Navy and the merchant marine into one ministry and putting Party people into that ministry. In that event we did not see a strengthening but a weakening of our fighting force. Besides, during that period there occurred a gap in the line of successors, due to illness and losses.

And last but not least, Raeder remained in the war out of a sense of responsibility and patriotism.

DR. SIEMERS: Did you yourself ask Raeder to remain in office?

SCHULTE-MÖNTING: Yes. I had to ask Raeder frequently and very seriously. I myself was once ordered by Hitler to come to the Reich Chancellery.

DR. SIEMERS: When was that?

SCHULTE-MÖNTING: In the beginning of 1939, when he explained his standpoint to me in a long conversation and asked me to convince Raeder that he had to stay. Moreover, he enjoyed the confidence of the Navy. The senior officers and officials of the Navy had asked me orally and in writing to try to persuade Raeder not to leave his office prematurely. Since 1928 he had led the Navy with a firm hand through all political vicissitudes.

DR. SIEMERS: Admiral, may I return again to your conversation with Hitler in the beginning of 1939? Did you speak with Hitler alone?

SCHULTE-MÖNTING: Yes, that was a private conversation of about an hour and a half.

DR. SIEMERS: Did Hitler tell you anything about his political plans on that occasion?

SCHULTE-MÖNTING: No; not about political plans in the sense of what is called politics, but he tried once more to bridge political differences with Raeder. He told me one should not weigh each individual word of his. His visitors were right, but only after they had left; he would put forward records and witnesses; all he wanted was to appeal to the emotions of his listeners and to stir them up to do their utmost, but not to commit himself with words. In the future he promised he would try to give the Navy independence in all technical questions.

DR. SIEMERS: You just said "not to weigh each individual word." Admiral, were the speeches of Hitler ever taken down accurately, that is, by stenographers?

SCHULTE-MÖNTING: Yes, but as far as I know only in the later part of the war. Hitler was against having his words put on record, because everyone who listened to him returned home with his own opinion. He himself did not stick to his text; he thought out loud and wanted to carry his listeners away, but he did not want his individual words to be taken literally. I spoke about that to Raeder very frequently. We always knew what was expected of us, but we never knew what Hitler himself thought or wanted.

DR. SIEMERS: If Hitler did not want to be taken at his word, how did it come about that he agreed in the war to have his speeches taken down by stenographers?

SCHULTE-MÖNTING: I told you before that too many misunderstandings had occurred, and that Hitler as well as those who reported to him believed that everyone had convinced the other of his opinion. Thereupon they started keeping minutes. The minutes kept up to then were personal impressions of those who were not instructed to keep them but who did so on their initiative.

THE PRESIDENT: What time is the witness speaking of? He said up to then the minutes had been kept on the personal initiative of the person who took them. What time is he speaking of?

DR. SIEMERS: From what time, according to your recollection, were these minutes taken by the stenographers?

SCHULTE-MÖNTING: From 1942, I believe.

DR. SIEMERS: From 1942?

SCHULTE-MÖNTING: It might also be 1941. During the war, at any rate.

DR. SIEMERS: But your conversation with Hitler was in January 1939?

SCHULTE-MÖNTING: Yes, January 1939.

DR. SIEMERS: Admiral, what did the stenographic minutes look like later on? Did you ever see them?

SCHULTE-MÖNTING: We repeatedly asked for excerpts from the minutes and tried to compare them with the prepared text and they too contained contradictions.

DR. SIEMERS: Now, I come to the period when Hitler prepared for war against Russia, and I am going to show you the Directive Number 21, of 18 December 1940, concerning the Case Barbarossa.

Mr. President, that is Document Number 446-PS, Exhibit USA-31, in the Document Book of the British Prosecution Number 10a, Page 247.

[Turning to the witness.] The Prosecution have asserted that Raeder or the Naval Operations Staff had taken part in the drafting of that directive; is that correct?

SCHULTE-MÖNTING: No, that is not correct. The Navy had nothing to do with the drafting of that directive.

DR. SIEMERS: Did Raeder have any previous knowledge of Hitler's plan to attack Russia, before he received that directive?

SCHULTE-MÖNTING: Yes, by an oral communication from Hitler to Raeder, about the middle of August 1940—or October 1940.

DR. SIEMERS: October 1940. Did Raeder inform you about his conferences with Hitler concerning Russia, and what attitude did he adopt in these conferences?

SCHULTE-MÖNTING: Raeder informed me fully, because the prospect of war with Russia was much too serious to be taken lightly. Raeder opposed most energetically any plan for a war against Russia; and, I should like to say, for moral reasons because Raeder was of the opinion that the pact with Russia should not be broken as long as the other side gave no cause for it. That, as far

as Raeder knew, was not the case in October. That economic treaty —as we called it at that time—to our knowledge was about 90 percent at the expense of the Navy. We gave Russia one heavy cruiser, heavy artillery for battleships, artillery installations, submarine engines, submarine installations, and valuable optical instruments for use on submarines. Besides, Raeder was of the opinion that the theater of operations should not be allowed to be carried into the Baltic Sea. The Baltic Sea was our drill field, I might say. All our recruits were trained there; all our submarine training took place in the Baltic Sea.

We had already partly stripped the Baltic coast of batteries and personnel for the purpose of protecting the Norwegian and the French coasts. We had very small oil reserves at our disposal, the synthetic oil production was not yet in full swing. The Navy had to turn over some of its reserves to industry and agriculture. Consequently, Raeder was strongly opposed to waging war against Russia.

DR. SIEMERS: Admiral, the Prosecution believe that Raeder was only opposed to the date set for the war against Russia and concludes this from the War Diary in which actually the entries refer to the date. Is that correct?

SCHULTE-MÖNTING: No, that is not correct. After the receipt of Directive 21, called Barbarossa, Raeder approached Hitler again with reference to the war against Russia, and also put down his thoughts in a memorandum. He tried to convince Hitler of the following: Poland had been crushed, France had been occupied, and, for military reasons, an invasion of England was out of the question. He said clearly that now the time had arrived when the further conduct of the war could not be decisive on the Continent, but in the Atlantic. Therefore, he told him that he had to concentrate all forces at his disposal on one objective: To hit the strategic points of the Empire, especially the supply lines to the British Isles in order to compel England to sue for negotiations or, if possible, to make peace. He suggested, as has been mentioned before, that the policy of peace with Norway should be pursued, peace with France, and closer co-operation with the Russian Navy, such as was provided for in the economic treaty, and the repurchase of submarine equipment or submarines. He said that the decision or the date for a decision no longer rested with us because we did not have the necessary sea power and that in case of a long duration of the war the danger of the participation of the United States had also to be considered; that therefore the war could not be decided on the European continent and least of all in the vastnesses of the Russian steppes. That point of view he continued to present to Hitler as long as he was in office.

DR. SIEMERS: Admiral, you said at first that Raeder had protested, in principle as you have expressed it, for moral reasons, that is, for reasons of international law.

SCHULTE-MÖNTING: Yes.

DR. SIEMERS: Why was not that entered into the War Diary when the other reasons that you have mentioned can be found in the War Diary? At least they are alluded to.

SCHULTE-MÖNTING: That I can answer, or at least give you an explanation. Raeder, as a matter of principle, never criticized the political leadership in the presence of the gentlemen of the Naval Operations Staff or the front commanders. Therefore, he did not speak to me and the others about the private conversations which he had with Hitler, except when it was necessary for military reasons.

DR. SIEMERS: When were the preparations by the Navy, on the basis of Directive 21 that you have in front of you, made? Do you remember that?

SCHULTE-MÖNTING: I believe about 3 months later.

DR. SIEMERS: At any rate, certainly after the directive?

SCHULTE-MÖNTING: Yes, after the directive.

DR. SIEMERS: Were they made on the basis of that directive?

SCHULTE-MÖNTING: On the basis of that, yes.

DR. SIEMERS: Was that directive already a final order or was it just a precautionary strategic measure?

SCHULTE-MÖNTING: In my estimation it should not be considered as an order, and that can be seen from Points IV and V.

DR. SIEMERS: In what way?

SCHULTE-MÖNTING: Point V says that Hitler was still waiting for reports from commanders-in-chief. And Raeder still reported to Hitler after he had received the directive.

DR. SIEMERS: Is Point IV, if you will look at it once more, also in accordance with your opinion?

SCHULTE-MÖNTING: Yes, absolutely. The words "precautionary measures" are underlined.

DR. SIEMERS: Precautionary measures for what?

SCHULTE-MÖNTING: In case of war against Russia.

DR. SIEMERS: Well, I think, Admiral, since you have mentioned it yourself, you should read the sentence which follows the words "precautionary measures."

SCHULTE-MÖNTING: "In case Russia should change her attitude, she is . . ."

THE PRESIDENT: You cannot argue with your own witness about the meaning of the words. He has given his answer.

DR. SIEMERS: Very well.

[Turning to the witness.] Was Raeder of the opinion, at any time, that he had succeeded in dissuading Hitler from the unfortunate plans against Russia?

SCHULTE-MÖNTING: Yes. After he had made his report at that time, he returned and said, "I believe I have talked him out of his plan." And at first we did have that impression because in the following months there were no more conferences about it, to my knowledge, not even with the General Staff.

DR. SIEMERS: May I ask you quite briefly then about Greece. According to Document C-152, which I will have shown to you, Raeder made a report to Hitler on 18 March 1941, in which he asked that the whole of Greece should be occupied. What were the reasons that caused the High Command, that is, Raeder and you, to make that suggestion?

SCHULTE-MÖNTING: When Raeder asked for authorization, as it says here in the War Diary, for the occupation of the whole of Greece, even in the event of a peaceful settlement, we, according to my recollection, had already been for 3 months in possession of the directive which was concerned with the occupation of Greece, and when . . .

DR. SIEMERS: Excuse me. Was that Directive Number 20? I will have it shown to you. Is that the one you mean?

SCHULTE-MÖNTING: Yes, "Marita," that is the one.

DR. SIEMERS: Mr. President, that is Document Number 1541-PS, Exhibit GB-13, in the Document Book of the British Prosecution 10a, Page 270. That is Directive Number 20, Case Marita of 13 December 1940.

[Turning to the witness.] Admiral, what caused Raeder, apart from that point which Hitler had already explained, to ask that specific question again in the month of March, that is to say, on 18 March?

SCHULTE-MÖNTING: A British landing had already occurred in the south of Greece a few days before.

DR. SIEMERS: Did this landing make it necessary to occupy the whole of Greece?

SCHULTE-MÖNTING: Yes, for strategic reasons, absolutely. The menace of an occupation from the sea or from the air, or the formation of a Balkan front against Germany, or the menace from the air to the oil fields, had to be eliminated under all circumstances. May I only remind you of the Salonika operation in the first World War. I believe that was a similar situation.

DR. SIEMERS: Here again the Prosecution say this was governed by the desire for conquest and fame. Is that correct?

SCHULTE-MÖNTING: I should like to answer that fame requires achievements, and I do not know what the Navy could have conquered in the Mediterranean. We did not have a single man or a single ship down there; but Raeder, of course, for the strategic reasons I have mentioned, had to advise Hitler in that direction.

DR. SIEMERS: Were breaches of neutrality on the part of Greece known to you before this time, before we occupied Greece?

SCHULTE-MÖNTING: We had been informed that in 1939, certain Greek political and military circles had been in the closest connection with the Allied General Staff. We knew that Greek merchantmen were in British service. Therefore we were compelled to consider the Greek merchantmen which sailed through the prohibited zone to England as enemy ships. And, I believe, in the beginning of 1940, or the middle of 1940, we received information that the Allies intended to land in Greece or to establish a Balkan front against Germany.

THE PRESIDENT: The Tribunal will adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. SIEMERS: Admiral, as the last point in my questions dealing with Russia, I should like to show you the document submitted by the Soviet Prosecution, Document USSR-113. This document is a communication from the Naval Operations Staff of 29 September 1941 to Group North, that is, Generaladmiral Carls. Under II it states as to the result of a conversation between Admiral Fricke and Hitler: "The Führer is determined to make the city of St. Petersburg disappear from the face of the earth." Raeder has been accused of not having done anything to oppose such a monstrous intention and has been accused because the Naval Operations Staff passed on this communication. I ask you, Admiral, did you know of this communication in 1941?

[Turning to the President.] I beg your pardon, Mr. President, I should like to remark that at this moment, I am sorry to say, I have no photostatic copy of this document. I tried to procure it. I have this very moment received it, and I should like to submit the photostatic copy at this point, instead of the written copy.

SCHULTE-MÖNTING: This seems to be the original which I have before me?

DR. SIEMERS: No, Admiral, it is a copy, an exact copy of the photostatic copy with all paragraphs and names, made for my own special use.

Were you acquainted with this piece of writing in 1941?

SCHULTE-MÖNTING: I did not know it in 1941, it is submitted to me at this moment for the first time.

DR. SIEMERS: Do you believe that Admiral Raeder saw this communication before it was sent off, even though you yourself had not seen it?

SCHULTE-MÖNTING: That would have been a miracle. Communications which were submitted to Admiral Raeder all went through my hands. They always had the notation, either "the Commander-in-Chief has taken due note," and were initialed by me personally in order to certify this notation, or "this order or this directive is to be submitted to the Commander-in-Chief," and in this case too my initials were affixed. This order and this copy which you have just shown to me I have never seen before; I am not acquainted with it; and I consider it impossible that Admiral Raeder should have seen it, because on 29 September 1941 I was in good health and exercising my duties in Berlin.

DR. SIEMERS: Admiral, what do you know about this question of Leningrad and the Navy?

SCHULTE-MÖNTING: I recall that at the so-called daily discussions regarding the general situation one of the officers of the Naval Operations Staff reported on the intentions of the Army regarding the future of Leningrad—not Petersburg. Whereupon Raeder expressed the desire that it be kept in mind during the operations that Leningrad should, under all circumstances, fall intact into our hands, for he needed shipyards and adjoining territory for naval construction; and he wished that the Army be informed of the urgency of this desire, because in view of the ever-increasing danger of air attacks, we intended to shift part of our shipyard facilities to the East.

At that time we had already begun, if I remember correctly, to move installations from Emden to the East and wanted, furthermore, as Raeder wished, to evacuate Wilhelmshaven subsequently and move the installations there as far to the East as possible. He emphasized expressly that the city should also be left as undamaged as possible because otherwise there would be no place for the workers to live. This is all I can truthfully tell you about the case of Leningrad.

DR. SIEMERS: Do you know that this wish of Raeder's was rejected by Hitler because he said it was not possible?

SCHULTE-MÖNTING: No, I do not recall that this case was taken up again. For the operations in the North soon came to a standstill, I believe.

DR. SIEMERS: Did other high officers tell you anything at all about this document?

SCHULTE-MÖNTING: No, I never heard anything about this document, nor did I see any reason to discuss it with anyone.

DR. SIEMERS: Mr. President, if it is agreeable to the Tribunal, I should like to submit a document which was granted me, Exhibit Raeder-111, because of its connection with this problem. It is to be found in my Document Book 6, Page 435. It is an affidavit by Rear Admiral Hans Bütow, dated 21 March 1946. I should like to read this document since it is very brief.

THE PRESIDENT: What page is this?

DR. SIEMERS: Page 435 in Document Book 6, Exhibit Number Raeder-111. It reads as follows:

"During the period from 20 June 1941 to 20 October 1941, namely, the period to which Document USSR-113, (1), UK-45, refers, I was stationed in Finland as Naval Commander. I was under Generaladmiral Carls, the Commander-in-Chief of Group North. I declare that the document in question, USSR-113, (1), UK-45, a communication of 29 September 1941

sent by the Naval Operations Staff to Group North, and its contents have never come to my knowledge, as it doubtless would have if Generaladmiral Carls had passed on the letter to the offices subordinate to him. As far as I know, no one else in my command received this communication.

"I myself first obtained knowledge of this order of Hitler's in November 1945 on the occasion of a conversation with Dr. Siemers, the defense counsel for Admiral Raeder.

"Other officers, especially other naval commanders, have never spoken to me about this order. It is thus clear that the other commanders likewise had no knowledge of this order."

Then there is the certification and the signature of the senior naval judge before whom this affidavit was made.

Admiral, then I should like to turn to a new topic, the alleged war of aggression which Raeder is supposed to have planned against America. Did Raeder at any time try to instigate Japan to a war against America?

SCHULTE-MÖNTING: No, never. We never had any military discussions with Japan at all before her entry into the war. Quite on the contrary, he warned Hitler against war with America in view of England's naval superiority and her co-operation with America.

DR. SIEMERS: For what reasons did you, Raeder, and the High Command especially, warn Hitler?

SCHULTE-MÖNTING: First of all, for the reasons which I outlined before, reasons of over-all strategy which motivated Raeder during the entire course of the war. Raeder considered the enemy on the sea primarily, and not on land. If the largest sea power in the world were added to England, which was already superior, then the war would have taken on unbearable proportions for us.

Besides, through the reports of our naval attaché in Washington, Vice Admiral Witthöft, Raeder was very well informed about the tremendous potential at the disposal of the United States.

I might also say with reference to the conversion of the normal economy into a war economy, that the tremendous outlay of shipyards and installations, as Witthöft stated a few months before the war, permitted the construction of a million tons of shipping each month. These figures were very eloquent and were naturally at the same time a terrible warning to us not to underestimate the armament potential of the United States.

DR. SIEMERS: The Prosecution believes it must draw a contrary conclusion from the fact that Raeder on 18 March 1941, according to the War Diary, proposed that Japan should attack Singapore.

SCHULTE-MÖNTING: In my opinion, that was an absolutely correct measure and a correct proposal, which was in line with Raeder's reasoning. He was interested in dealing blows to England's important strategic centers. That he tried to ease our situation is understandable and self-evident. But at no time did he propose that Japan should enter into a war against America, but rather against England.

DR. SIEMERS: Were there any discussions about these strategic questions at that time between you and Raeder on the one hand and Japanese military authorities on the other?

SCHULTE-MÖNTING: No, I have already stated that before Japan's entry into the war no military discussions with Japan had ever taken place. The Japanese attitude was very reserved.

DR. SIEMERS: Did Raeder ever discuss the .fact that Japan should attack Pearl Harbor?

SCHULTE-MÖNTING: No. We heard about this for the first time over the radio.

DR. SIEMERS: Admiral, during the time of your activity in the High Command of the Navy or during your activity as a commanding admiral at Trondheim did you have any knowledge about the treatment of Allied prisoners of war by the German Navy?

SCHULTE-MÖNTING: I might reply that I know of no case in which Allied prisoners of war, as long as they were under the control of the Navy, were treated other than properly and chivalrously. I could refer to the testimony given by the English commander of the midget U-boat, which attacked the *Tirpitz* in the Alta Fjord, who after his return to England from imprisonment, gave a press interview on the occasion of his being awarded the Victoria Cross. In this interview he mentioned the particularly chivalrous and correct treatment he had received at the hands of the commander of the *Tirpitz.*

From my own command in Norway I could mention a case in which members of the Norwegian resistance movement dressed in civilian clothing were treated just as chivalrously and correctly. I had to investigate these cases in the presence of British authorities, and the correctness of the treatment became evident.

DR. SIEMERS: When did you have to investigate this at the order of the British Military Government?

SCHULTE-MÖNTING: After the capitulation.

DR. SIEMERS: I beg your pardon, not the Military Government, but the British Navy.

SCHULTE-MÖNTING: The British Navy at Trondheim, while I was a commanding admiral.

DR. SIEMERS: And the cases which were investigated there, first by you and then by the competent British admiral, were not contested?

SCHULTE-MÖNTING: Were not contested. The naval officer handed them over to me for safekeeping, and I had to present the findings of the courts of inquiry in writing.

DR. SIEMERS: And the result . . .

SCHULTE-MÖNTING: The result was good, proper, and occasioned no protests.

DR. SIEMERS: And the result was presented to the competent British officer?

SCHULTE-MÖNTING: Yes, it was on his very order that I had to do it.

DR. SIEMERS: Admiral, the case of the *Athenia* has been dealt with here in detail and is known to the Tribunal. Therefore, in order to save time, I should like merely to touch this case in passing. I should like you to tell me: Did the High Command know, did you and Raeder know, at the beginning of September 1939 that the *Athenia* had been sunk by a German U-boat?

SCHULTE-MÖNTING: No. The Commander of U-boats reported on the 3d that the *Athenia* could not have been sunk by a German U-boat since, if I remember correctly, the nearest boat was about 70 nautical miles away.

DR. SIEMERS: When did you learn that a German U-boat had sunk the *Athenia*?

SCHULTE-MÖNTING: I believe 2 or 3 weeks afterwards, after this U-boat returned.

DR. SIEMERS: Mr. President, I should like to refer to a document, according to which the date was 27 September.

[Turning to the witness.] Do you know that a declaration had been made by State Secretary Von Weizsäcker on 3, 4, or 5 September to the effect that it was not a German U-boat? When it was established that it actually had been a German U-boat, what did Raeder do about it?

SCHULTE-MÖNTING: The assumption that it had not been a German U-boat was at first justified and State Secretary Von Weizsäcker therefore acted in the best of faith, as did we. After this regrettable mistake became known, Raeder reported this fact to Hitler. Hitler then gave the order that he did not want the statement which had been made by the Foreign Office denied. He ordered that the participants, that is those who knew, should give their oath to remain silent until, I believe, the end of the war.

DR. SIEMERS: Did you give your oath of silence?

SCHULTE-MÖNTING: I personally did not give my oath of silence, and neither did Admiral Raeder. In the High Command we were the only ones, I believe, with the exception of Admiral Fricke who had knowledge of that, and we should probably have taken the oath.

DR. SIEMERS: At Hitler's order you were obliged to administer an oath to the others who knew about this?

SCHULTE-MÖNTING: Yes. I am of the opinion that it was the crew of the U-boat, insofar as they knew about this mistake.

DR. SIEMERS: The Prosecution accuses Admiral Raeder of not having gone to Freiherr Von Weizsäcker to tell him that it actually was a German U-boat and of not having said to the American naval attaché, "I am sorry; it was a German U-boat after all."

SCHULTE-MÖNTING: Such thoughts occurred to us as well, but we thought that any discrepancies which might arise and lead to political ill-humor in America were to be avoided as much as possible. Stirring up this case once more would have greatly aroused public feeling. I remember, for instance, the *Lusitania* case during the first World War. To have stirred up this case again after a few weeks and to arouse public opinion, and then to force entry into the war would have had little sense.

DR. SIEMERS: And that was the train of thought which caused Hitler to issue this decree?

SCHULTE-MÖNTING: It was the train of thought which we also shared.

DR. SIEMERS: You said it was not to be stirred up again but regrettably, as you know, this case was stirred up again. On 23 October 1939 in the *Völkischer Beobachter* a very unfortunate article appeared with the heading "Churchill Sinks the Athenia." Do you remember that article?

SCHULTE-MÖNTING: Yes, of course. That article was published without Raeder's knowledge and without the knowledge or complicity of the Navy. Even today I do not know yet who the author of the article was. It originated in the Propaganda Ministry, and Raeder and the rest of us in the High Command of the Navy were most indignant, not so much because this topic was being stirred up again, but rather because of the tenor of the article for whether deliberately or unintentionally—we did not know which it was—there was a misrepresentation.

We were obliged to keep silence. To what extent the Propaganda Ministry had been informed about this matter by Hitler, we

did not know. We also had no opportunity to speak with the Propaganda Ministry about this case and we were completely surprised when this article appeared several weeks later in the *Völkischer Beobachter*. We were therefore deeply indignant, especially Raeder, because it was fundamentally against his principles that leading foreign statesmen be attacked in a caustic manner; and, in addition, the facts were completely distorted. And besides—this may also be important—this involved Raeder's opponent whom Raeder did not in the least wish to disparage before the German public, for Raeder took him only too seriously; and this was, I believe, no other than Churchill.

DR. SIEMERS: Now, one last question: Did the Propaganda Ministry call you or Raeder up before this article appeared?

SCHULTE-MÖNTING: No, no.

DR. SIEMERS: Then I should like to turn to the last question of my examination. This is the last point.

THE PRESIDENT: Dr. Siemers, that is about the sixth final question you have asked.

DR. SIEMERS: I beg your pardon, Mr. President, the translation must have been wrong. The previous question was the final question on the *Athenia* problem. Now, this is actually the final question which I wish to put.

[Turning to the witness.] The Prosecution accuses Admiral Raeder of not supporting Generaloberst Freiherr Von Fritsch after the latter had been exonerated and acquitted in court and accuses Raeder of not having used his influence to reinstate Fritsch in office and restore his dignity. Is that correct?

SCHULTE-MÖNTING: No, that is not correct. Raeder gave me all the files of the legal proceedings against Generaloberst Von Fritsch sometime in the beginning of 1939 to be kept in the safe. At that time he told me how the course of the proceedings had impressed him and also of the fact that he had made Generaloberst Von Fritsch the offer of a complete reinstatement, going so far as to have him reinstated in his previous office. Von Fritsch thanked him for that and told him personally that he would never assume his former office again, that he would not even consider returning after what had happened, for which reason he was requesting Raeder not to make any efforts in this direction.

Besides, Fritsch and Raeder were on good personal terms—to say that they were friends is going perhaps too far, but I have often seen Fritsch at Raeder's house even after his dismissal.

DR. SIEMERS: Thank you, Admiral.

Mr. President, I have no further questions.

THE PRESIDENT: Does any other member of the defendants' counsel want to ask any questions?

FLOTTENRICHTER KRANZBÜHLER: Admiral Schulte-Mönting, you just spoke about the correct treatment of prisoners in connection with a U-boat attack on the *Tirpitz*. Do you mean by that the attack in November 1943 in the Alta Fjord?

SCHULTE-MÖNTING: Yes, that is the one I mean.

FLOTTENRICHTER KRANZBÜHLER: Was it a two-man U-boat?

SCHULTE-MÖNTING: Whether it was a two-man or three-man U-boat, I do not know, but it was a midget U-boat. Several U-boats attacked simultaneously. Some of them were sunk, and the commander who successfully, I believe, placed his magnetic mine was taken prisoner.

FLOTTENRICHTER KRANZBÜHLER: And this commander was treated according to the Geneva convention?

SCHULTE-MÖNTING: Absolutely.

FLOTTENRICHTER KRANZBÜHLER: Thank you.

THE PRESIDENT: Does the Prosecution wish to cross-examine?

MAJOR JONES: Witness, I want to ask you first about the *Athenia* episode. I take it you agree that the article in the *Völkischer Beobachter* was thoroughly dishonorable, lying, and discreditable.

SCHULTE-MÖNTING: I heard nothing at all in German.

MAJOR JONES: I will repeat my question. With regard to the *Athenia*—do you hear me now?

SCHULTE-MÖNTING: Yes.

MAJOR JONES: With regard to the *Völkischer Beobachter* article on the *Athenia,* do you agree that it was a thoroughly dishonorable publication?

SCHULTE-MÖNTING: Yes, I agree that it was a dishonorable publication, untrue and dishonorable.

MAJOR JONES: Perhaps if you keep your headphones on—I have a number of questions to ask you, I am afraid—it might be more convenient for the work we have to do.

And you say that the Defendant Raeder thought it was dishonorable?

SCHULTE-MÖNTING: Yes, he did as well.

MAJOR JONES: What action did he take to manifest his displeasure?

SCHULTE-MÖNTING: In this case he valued the interests of the State more than a newspaper article. The interests of the State

required that in any event all complications with the United States were to be avoided.

MAJOR JONES: That appears to be a characteristic on the part of Raeder that runs throughout the history from 1928 to 1943, that throughout he put what he thought were the interests of the Nazi State before conditions of morality, honor, and public decency, is that not so?

SCHULTE-MÖNTING: That I do not believe. I believe that in this he acted consistently as a good patriot would act.

MAJOR JONES: You see, with regard to the invasion of Russia, for example, you said to the Tribunal that on both moral and strategic grounds, Raeder was against the invasion of Russia. Why did he not resign?

SCHULTE-MÖNTING: By way of reply I must mention first Hitler's answer to Raeder's statements against a war with Russia. This answer was to the effect that he saw no possibility of avoiding a conflict for the following reasons:

First, because of the personal impression which he, Hitler, had received from Molotov's visit, which had taken place in the meantime. By "in the meantime" I mean between the directive and the carrying through of the directive.

Secondly, the fact that allegedly the economic negotiations had not only been dragged out by the Russians but, as Hitler expressed it, had been conducted with blackmail methods.

Thirdly, as he had been informed by the German General Staff, Russian troop deployment had taken on such threatening proportions that he, Hitler, could not wait for the first blow from the other side because of the air threat to Brandenburg and the capital and to the Silesian industry. Raeder then, of course, had to realize that he could not refute these arguments or prove the opposite.

MAJOR JONES: You are not suggesting that you thought that the war between Germany and Russia was a defensive war so far as Germany was concerned, are you?

SCHULTE-MÖNTING: No, we were of the opinion that the deployment of troops on both sides had reached such an extreme point that it would not take long for the storm to burst, and that from the military point of view anyone who sees that a conflict is inevitable, naturally likes to have the advantages which result from dealing the first blow.

MAJOR JONES: The invasion of Russia was a brutal aggression on the part of Nazi Germany, you admit that now, do you not?

SCHULTE-MÖNTING: Yes, I do admit that.

MAJOR JONES: I want you to turn your mind for a moment, if you will, to Document L-79, which is in the British Document Book 10, Page 74. Those are the minutes of the Hitler conference on 23 May 1939 which you discussed in your evidence-in-chief this morning. I take it that you have read those minutes, Witness?

SCHULTE-MÖNTING: May I look at them now? I have never seen these minutes before. If I were to be asked about them, I would first have to read them *in toto*.

MAJOR JONES: Well, you need not trouble to do that, Witness. You gave evidence this morning as to Raeder's discussion with you about this conference. Did Raeder tell you that Hitler had said on 23 May 1939, for instance:

"There is no question of sparing Poland, and we are left with the decision to attack Poland at the first suitable opportunity. We cannot expect a repetition of the Czechoslovakian affair. There will be war."

Then further, Page 76 of the report:

"The Führer doubts the possibility of a peaceful settlement with England. We must prepare ourselves for the conflict.... England is therefore our enemy, and the conflict with England will be a life and death struggle."

And then the next paragraph but one:

"The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored."

Now, I am suggesting to you that those statements of Hitler's represented Hitler's considered policy, and that that policy was in fact carried out in the field of action. Is that not so?

SCHULTE-MÖNTING: First of all, I must correct a mistake. I thought that you had shown me a record on Russia and not the one on Poland. I saw it in different writing, and I thought it was another record. If it is the same record which I mentioned this morning, then I must state again that Raeder did not agree with the belligerent wording of these minutes as written down by Schmundt.

MAJOR JONES: Just one moment, Witness, if you please. I have read out certain extracts from that document, which I take it that you heard interpreted. Do you agree with me that those extracts represented Hitler's considered policy at the time and that that policy was in fact carried out in the field of action?

If you keep your headphones on—I know it is difficult. Just move them back if you wish to talk. Now, see if you can answer my question.

SCHULTE-MÖNTING: I should like to remark in this connection that Hitler in his speeches pursued a certain purpose. In preparations

for war he saw a means of political pressure, and in the phrase "war of nerves" (which was not used in Germany only, but went everywhere through the ether far beyond Europe's boundaries) he tried to find a means of preventing war as well as a means of exerting pressure. This document itself contains contradictions which lead to the conclusion that he himself could not seriously have thought that a war would develop. I can prove this by saying, for example, that he states that the General Staff or the general staffs are not to concern themselves with this question; but toward the end he says that all the branches of the Wehrmacht must get together to study the problem. He says that a war with Poland must in no event result in war with England; politics must see to that. But in the next paragraph one reads: "But if a war actually does arise, I shall deal short sharp blows for a quick decision." In the next paragraph it says again, "But I need 10 to 15 years to prepare," and in the concluding paragraph it says: "The construction program of the Navy will in no wise be changed."

If, therefore, Hitler at that time had really been serious in his speech, that is, that an armed conflict with Poland would result shortly, then he would not have exclaimed first that we would have time until 1943 and, secondly, that there were to be no changes as far as the Navy was concerned. Rather he would have said to Raeder, privately at least: "In all haste prepare a strong U-boat program because I do not know what course events will take."

MAJOR JONES: But it is a fact that at about this time, the Fall Weiss operation was being prepared to the very last detail, was it not? That is the operation against Poland.

SCHULTE-MÖNTING: The operation was prepared to such a stage that when it was canceled at the last minute we thought that we would not be able to reach our forces at sea by wireless. We considered this an extreme policy of exerting pressure in the form of a war of nerves. Since at the last minute everything was canceled we believed without doubt that it was only a means of pressure and not an entry into war. Not until we heard the cannons were we convinced that the war was no longer to be prevented. I personally believe . . .

MAJOR JONES: If you would shorten your answers as best you can, it would be very convenient.

I want to go from Poland to Norway. The first conference of the Defendant Raeder with regard to Norway took place on 10 October, you have told us. I want you to hear the record of that conference, which is found in Admiral Assmann's headline diary. It is dated 10 October 1939:

"The Commander-in-Chief of the Navy states conquering the Belgian coast no advantage for U-boat warfare; refers to value of Norwegian bases."

I suggest to you that the interests of the German Navy in Norway from the point of view of requiring submarine bases was manifesting itself at that time; is that not so?

SCHULTE-MÖNTING: May I look at this document first? It is unknown to me.

MAJOR JONES: You shall see the original diary, if you want to reassure yourself that I am reading it correctly.

[The document was handed to the witness.]

SCHULTE-MÖNTING: In this sentence, I do not see any belligerent intentions. It says expressly that he attaches importance to the winning of Norwegian bases.

MAJOR JONES: That is all I am putting to you at the moment. And do you know that on 3 October the Defendant Raeder was sending out a questionnaire upon the possibility of extending the operational base to the north, and upon the bases that it would be desirable for German power to acquire?

I am referring to Document C-122, My Lord. The document C-122 is in Document Book 10a at Page 91.

If you will look at that document, Witness, you will see in the second sentence:

"It must be ascertained whether it is possible to gain bases in Norway with the combined pressure of Russia and Germany, with the aim of improving fundamentally our strategic and operational position. The following questions are to be examined . . ."

And then there follow these questions:

"What places in Norway can be considered as bases?

"Can bases be gained by military force against Norway's will, if it is impossible to achieve this without fighting?

"What are the possibilities of defense after the occupation?

"Will the harbors have to be developed completely as bases, or do they possibly have decisive advantages simply as supply centers? (The Commander of U-boats considers such harbors extremely useful as equipment and supply bases for Atlantic U-boats on temporary stops.)"

And then finally:

"What decisive advantages would there be for the conduct of the war at sea in gaining a base in North Denmark, for instance, Skagen?"

Now, I suggest to you that those documents are the clue to the German invasion of Norway. Do you not agree with that?

SCHULTE-MÖNTING: No, I do not see any aggressive intentions in these purely operational plans and considerations when thinking of what bases might come into consideration for the conduct of the war. This morning I said that, to the best of my knowledge, Generaladmiral Carls as early as September sent a letter to this effect to Raeder in which he expressed his concern and stated his strategical ideas and plans in case of an Allied occupation of Norway.

MAJOR JONES: The source of the information which the Defendant Raeder was receiving you discussed this morning, but one source that you did not give was the Norwegian traitor Quisling. The relations between the Defendant Raeder and him were very close, were they not?

SCHULTE-MÖNTING: There was no contact at all between Raeder and Quisling until December 1939; then Raeder met Quisling for the first time in his life and never saw him again.

MAJOR JONES: But after December Quisling's agent Hagelin was a very frequent visitor of the Defendant Raeder, was he not?

SCHULTE-MÖNTING: I do not believe that Hagelin ever went to Raeder before Quisling's visit, unless I am very mistaken. I think he visited Raeder for the first time when he accompanied Quisling.

MAJOR JONES: Yes, but thereafter Raeder was in very close touch with the Quisling movement, the Quisling treachery, was he not?

SCHULTE-MÖNTING: No. Raeder had nothing at all to do with the Quisling movement.

MAJOR JONES: Do you know a man, Erich Giese, Walter Georg Erich Giese, who was an administrative employee of the adjutancy of the supreme commander of the Navy in Berlin?

SCHULTE-MÖNTING: I did not quite catch the name.

MAJOR JONES: Giese, G-i-e-s-e. He was a—part of his duties were to receive the visitors of the supreme commander. He was an assistant of the supreme commander's adjutant and he was dismissed from his post in April 1942. And no doubt you recollect the man.

SCHULTE-MÖNTING: Will you please tell me the name again? Although it was spelled to me I did not catch it. Is this a Norwegian?

MAJOR JONES: This is a German subject, an employee of the supreme command of the Navy. Part of his duties were to receive all the supreme commander's visitors, to accept applications for

interviews, and draw up the list of callers for the supreme commander. Now you are looking at an affidavit from this man, Document D-722, to be Exhibit GB-479.

THE PRESIDENT: Has the witness answered the question yet?

MAJOR JONES: Not yet, My Lord.

SCHULTE-MÖNTING: Now I have the name. The man of whom you are talking was in the reception room of the adjutant's office. It was not up to this man, who was to be admitted to the Admiral; that was up to me. I asked the callers for what reason they had come. Mr. Hagelin did not visit Raeder before Quisling's visit, that is, not before December 1939.

MAJOR JONES: I am not suggesting that but what I am suggesting is that after December 1939 there was a very close link between Raeder and the Quisling movement. I just read out to you this extract from the affidavit of this man. From Page 3, My Lord, of the English text:

> "I can state the following about the preparations which led up to the action against Denmark and Norway: An appointment with the Commander-in-Chief was frequently made for a Mr. Hagelin and another gentleman, whose name I cannot recall at present, by a party official of Rosenberg's Foreign Political Office; as a rule they were received immediately. I also had received instructions that if a Mr. Hagelin should announce himself personally, I should always take him to the Commander-in-Chief at once. Shortly afterwards I learned from the minute book and from conversations in my room that he was a Norwegian confidential agent. The gentleman from the Foreign Political Office who frequently accompanied him and whose name I do not remember at the moment also conversed with me and confided in me, so that I learned about the Raeder-Rosenberg discussions and about the preparations for the Norway campaign. According to all I heard I can say that the idea of this undertaking emanated from Raeder and met with Hitler's heartiest approval. The whole enterprise was disguised by the pretense of an enterprise against Holland and England. One day Quisling, too, was announced at the Commander-in-Chief's by Hagelin and was received immediately. Korvettenkapitän Schreiber of the Naval Reserve, who was later naval attaché in Oslo and knew the conditions in Norway very well, also played a role in all these negotiations. He collaborated with the Quisling party and its agents in Oslo."

SCHULTE-MÖNTING: It is not true that Mr. Hagelin was received by Admiral Raeder. Herr Giese cannot possibly have any

information about that because he was stationed two rooms away. If he had perhaps noted down that he was received by me, that would in a certain sense be correct. The fact is that at the time, after the Quisling-Hagelin visit, I had said that if he were to pass through Berlin again and he had any naval political information in this connection, I should like him to make this information available to me.

MAJOR JONES: Are you saying that Defendant Raeder never met Hagelin?

SCHULTE-MÖNTING: He did not meet him before Quisling's visit in December. Later he did not receive him any more.

MAJOR JONES: But he in fact received Hagelin and took him to Hitler on 14 December 1939, did he not?

SCHULTE-MÖNTING: He was accompanied by Quisling, that is correct. But he did not have any special discussion with Raeder alone.

MAJOR JONES: You said—you spoke this morning as to a conference between Quisling and Raeder on 12 December 1939 and suggested that politics were not discussed at that conference.

SCHULTE-MÖNTING: By the word "politics" I mean politics in the National Socialistic sense, that is, National Socialistic politics on the Norwegian side and on our side. The matters discussed were only naval political questions.

MAJOR JONES: But I will not go into a discussion of the question of politics with you. I will consider the familiar German definition that politics is a continuation of war by other means. But if you look at the Document C-64 you will see that political problems were discussed on 12 December. You see that is a report of Raeder to Hitler. It is found on Page 31 of the Document Book 10a, in which Raeder writes in Paragraph 2:

> "As a result of the Russo-Finnish conflict, anti-German feeling in Norway is even stronger than hitherto. England's influence is very great, especially because of Hambro, the President of the Storting (a Jew and a friend of Hore-Belisha) who is all-powerful in Norway just now. Quisling is convinced that there is an agreement between England and Norway for the possible occupation of Norway, in which case Sweden would also stand against Germany. Danger of Norway's occupation by England is very great—possibly very shortly. From 11 January 1940 on, the Storting and thereby the Norwegian Government is unconstitutional since the Storting, in defiance of the constitution, has prolonged its term for a year."

Politics was very much under discussion at that conference, was it not? You have said that the Defendant Raeder was anxious for

peace with Norway. Was it for peace with a Norway ruled by the traitor Quisling?

SCHULTE-MÖNTING: In reply to your first question I should like to say that in the minutes it says:

"The Commander-in-Chief of the Navy points out that in connection with such offers we can never know to what extent the persons involved want to further their own party aims, and to what extent they are concerned about German interests. Hence caution is required."

This entry in the document which you have just presented to me corroborates what I was trying to say, that is, that no party matters or matters depending on agreement along ideological lines were to be settled between Admiral Raeder and Quisling. For this reason I said that Raeder did not discuss politics with him, but merely factual matters. That Quisling, at the time of his introduction, should mention certain things as a sort of preamble is self-evident. But he points out the factor of caution and asks: "What does this man want? Does he want to work with the Party or does he really want to remain aloof?"

MAJOR JONES: At any rate, the Defendant Raeder was preferring the reports of Quisling to the reports of the German Ambassador in Oslo which were entirely different from the reports of the traitor Quisling. That is so, is it not?

SCHULTE-MÖNTING: I believe that Raeder never saw the reports from the German Ambassador in Oslo. I at any rate do not know these reports.

MAJOR JONES: Now the Tribunal has the documents with regard to that matter. I will not pursue it. I want to ask you next about the relations with the United States of America. When did the German Admiralty first know of Japan's intention to attack the United States?

SCHULTE-MÖNTING: I can speak only for Raeder and myself. As far as I know, it was not until the moment of the attack on Pearl Harbor.

MAJOR JONES: But you had received a communication from your German naval attaché at Tokyo before the attack on Pearl Harbor, indicating that an attack against the United States was pending, had you not?

SCHULTE-MÖNTING: Pearl Harbor? No.

MAJOR JONES: But against the United States forces. Just look at the Document D-872, which will be Exhibit GB-480. You see that those are extracts from the war diary of the German naval attaché in Tokyo. The first entry is dated 3 December 1941:

"1800 hours. The naval attaché extended an invitation to several officers of the Japanese Naval Ministry. It transpires from the conversation that the negotiations in Washington must be regarded as having broken down completely and that, quite obviously, the beginning of actions to the south by the Japanese Armed Forces is to be expected in the near future."

And then on 6 December 1941:

"Conversation with Fregattenkapitän Shiba."

The outcome of the conversation is reported to Berlin in the following telegram:

"Naval Attaché, 1251. Military Secret:

"1. Last week America offered a nonaggression pact between the United States, England, Russia and Japan. In view of the Tripartite Pact and the high counterdemands, Japan rejected this offer. Negotiations have therefore completely broken down.

"2. The Armed Forces foresaw this development and consented to Kurusu's being sent only to impress the people with the fact that all means had been exhausted.

"3. The Armed Forces have already decided 3 weeks ago that war is inevitable, even if the United States at the last minute should make substantial concessions. Appropriate measures are under way."

And then—I will not read the whole document, and at the end it says:

"A state of war with Britain and America would certainly exist by Christmas."

Assuming that signal reached you before 8 December, you became familiar with the plans of the perfidious Japanese attack upon the United States, did you not?

SCHULTE-MÖNTING: I do not quite grasp it. I have already said that we had no contact with the Japanese experts or attachés in Berlin. I asserted that we first learned of the Pearl Harbor incident by radio, and I cannot quite see what difference it makes whether on 6 December the attaché in Tokyo told us his predictions, or whether he was drawing conclusions about a future conflict from information sources which we could not control. That has nothing to do with our having advised the Japanese in Berlin to attack America.

MAJOR JONES: Are you saying that you had no conversations in Berlin with the Japanese attaché?

SCHULTE-MÖNTING: To my knowledge there were no official conferences between the two admiralty staffs, that is, official

operational conferences between the Naval Operations Staff and the Japanese admiralty staff.

THE PRESIDENT: Mr. Elwyn Jones, before you part from that document, I think you ought to read Paragraph 5.

MAJOR JONES: Paragraph 5, My Lord, reads:

"5. Addition—Naval Attaché.

"No exact details are available as to the zero hour for the commencement of the southern offensive. All the evidence, however, indicates that it may be expected to start within 3 weeks, with simultaneous attacks on Siam, the Philippines and Borneo.

"6. The Ambassador has no knowledge of the transmission of the telegram, but is acquainted with its contents."

Now I want to . . .

THE PRESIDENT: With reference to what the witness has just said, I do not know whether I understood him right before, but what I took down he said was that the German Admiralty first knew of Japan's intention to attack, after Pearl Harbor, not that it first knew of Pearl Harbor by radio. It was the first indication they had of an intention to attack.

MAJOR JONES: That is so, My Lord.

[Turning to the witness.] I am suggesting to you, Witness, that you knew perfectly well of the Japanese intention to attack the United States before the incident of Pearl Harbor.

SCHULTE-MÖNTING: I do not know whether you are stressing Pearl Harbor, or the fact that 2 days before the attack on Pearl Harbor we received a telegram from Tokyo to the effect that a conflict was to be counted on. I was asked whether we had known of the fact of the attack on Pearl Harbor, and to that I said: "No." I said that we had had no conferences in Berlin between the Naval Operations Staff and the Japanese admiralty staff. What you are presenting to me . . .

MAJOR JONES: I just want to deal with that, but I want to read out to you what your Commander-in-Chief said about that, because it is not what you are saying, you know. On the interrogation of Admiral Raeder on 10 November 1945 (Document D-880, GB-483) he was asked:

"Question: Would such matters be accomplished by Foreign Office people alone, or would that be in collaboration with the High Command of the Navy and OKW?"

And Defendant Raeder's answer was:

"No, the negotiations were conducted by the Foreign Office and on the part of the Japanese diplomats there was this

delegate, Oshima, who was an officer. He negotiated with the Foreign Office in his capacity as delegate, but apart from that he was enough of an expert to look at this thing from a military standpoint as well. Military authorities had long before that carried on negotiations with military and naval attachés about the needs and other things that the Japanese needed... This was all talked about and thrashed out with the military and naval attachés."

That is a very different version of the fact from the version you have given, Witness, is it not? Now, there are two more matters which I want to deal with.

I do not know whether it will be convenient, My Lord, to have a brief adjournment.

[A recess was taken.]

MAJOR JONES: May it please the Tribunal, with regard to the extract from the interrogation of the Defendant Raeder which I read I wanted to be clear that the defendant was then dealing with the relationship generally between the German authorities in Berlin and the Japanese representatives. I do not want to have given the Court the impression it was a direct negotiation with regard to intervention against America itself. I do not want to mislead the Court in any way with regard to that matter.

[Turning to the witness.] Did you know of the shooting in December 1942 by a naval unit belonging to the German naval officer in command at Bordeaux of two British Royal Marines who took part in a raid on shipping in the Gironde estuary?

SCHULTE-MÖNTING: I learned of that later.

MAJOR JONES: Did you see the entry with regard to that shooting in the SKL War Diary?

SCHULTE-MÖNTING: No, here in Nuremberg the defendant's counsel showed me an entry, but I do not know whether it was the War Diary of the Naval Operations Staff.

MAJOR JONES: It has been suggested by both counsel for the Defendant Dönitz and counsel for the Defendant Raeder that the entry in D-658 which contained the sentence: "The measure would be in accordance with the Führer's special order, but is nevertheless something new in international law since these soldiers were in uniform," that that entry was not from the SKL War Diary. Now, you are familiar with the initial of the Defendant Raeder, are you not?

I want you now to look at the original of D-658, so that it may be established beyond peradventure that this matter was entered

in the SKL War Diary. I will put in a photostatic copy of the original if the Tribunal will allow me, because the original is required for other purposes. D-658 was GB-229, and it may be convenient to call the photostats of the originals D-658(a) and GB-229(a). That is the War Diary of the SKL, is it not?

SCHULTE-MÖNTING: Yes, I recognize it as such.

MAJOR JONES: And the SKL was perfectly familiar with that dreadful murder of the men at Bordeaux, was it not?

SCHULTE-MÖNTING: From the War Diary I can see—such is my impression—that afterward on 9 December they were informed about the fact of the shooting.

MAJOR JONES: And their laconic comment was . . .

SCHULTE-MÖNTING: In the Armed Forces communiqué it says: "According to the Armed Forces communiqué, the two soldiers have been shot in the meantime." This can be seen in the War Diary of the SKL and I acknowledged it.

MAJOR JONES: And the humane comment of the SKL is, "It is something new in international law, since the soldiers were in uniform."

There is one final matter which I wish to ask you about: Is it your contention that the German Navy fought a clean war at sea?

SCHULTE-MÖNTING: I contend that the German Navy fought a very clean war and that has nothing to do with the fact that it is said here in the Diary of the SKL, as taken from the Armed Forces communiqué, that two soldiers were shot and that this was in accordance with the special order given by the Führer which has been cited but, as the Naval Operations Staff adds, was something new in the history of naval warfare. This too . . .

MAJOR JONES: I am turning to another matter, but you say generally . . .

SCHULTE-MÖNTING: May I just say in conclusion that this postscript has been confirmed and that the Navy, in this case Raeder, had no influence on these matters. If you ask me whether I approved that order or something of the sort I would give you my personal opinion of the matters which Raeder and I discussed.

MAJOR JONES: But you know Raeder was Commander-in-Chief of the Navy, and who would have influence in Germany if the commanders-in-chief did not have influence? Here was a matter directly reflecting on the honor of German Armed Forces and despite that deliberate denial of the protection of the Geneva Convention for those British marines he continued in office, after they were deliberately murdered.

SCHULTE-MÖNTING: That is a matter of opinion. I may take the following stand: The fact is that in this war, for the first time, a form of sabotage was applied, whether behind the lines by means of air landings or otherwise.

MAJOR JONES: Just a moment. These were marines in uniform. Your own report in the SKL War Diary says so.

SCHULTE-MÖNTING: I have to comment on that order which was issued earlier. The preamble of that order said that, since there was knowledge of orders to the Allied soldiers or—I do not remember the exact wording any more—since these soldiers were given orders not to bother taking German prisoners but rather to shoot them while carrying out their work in the so-called Commando raids, the following directives had to be issued.

At that time I discussed this matter with Raeder, of course, and I can merely state my personal opinion. I felt that I could believe this preamble because I am of the opinion that if I resorted to, let us say, sabotage behind the lines then of course I could not be bothered with taking prisoners, because then the element of surprise would be excluded. If, therefore, a troop of three to five men, a so-called Commando undertaking, is sent behind the lines in order to destroy enemy installations, then of course they cannot burden themselves with prisoners without running the risk of being killed themselves or of being recognized before they can carry out their undertaking. Therefore I considered this preamble quite credible and I expressly said so at that time.

MAJOR JONES: And you think that that shooting of those two marines was therefore perfectly justified? That is your position on this matter, is it not? Just say "yes" or "no" on that; I will not argue with you.

SCHULTE-MÖNTING: I have not asserted that in any way. Rather I said, here is a fact of which we were informed only by the Armed Forces communiqué, and that Raeder and the High Command had not been heard on this point. That is what I stated.

MAJOR JONES: Now, the final matter I wanted to ask you about, you have indicated that in your opinion Germany fought a clean war at sea. I want you to look at the new Document D-873 which will be GB-481, which is the log book of U-boat *U-71,* under the date line 21 June 1941, when the Defendant Raeder was Commander-in-Chief of the German Navy. You see the entry reads:

> "Sighted lifeboat of the Norwegian motor tanker *John P. Pederson* drifting under sail. Three survivors were lying exhausted under a tarpaulin and only showed themselves as the U-boat was moving away again. They stated that their ship had been torpedoed 28 days before. I turned down their

request to be taken aboard, provisioned the boat with food and water and gave them the course and distance to the Icelandic coast. Boat and crew were in a state that, in view of the prevailing weather, offered hardly any prospects of rescue."—Signed: "Flachsenberg."

Is that your conception of a clean war at sea?

SCHULTE-MÖNTING: I observe that the commanding officer did what he could, in view of the weather which he described when he said that in view of the bad weather he could not rescue them. He threw provisions to them in a sack and gave them the course to the coast. I do not know what there is about that that is inhumane. If he had left without giving them food and the course, then you might make that accusation.

MAJOR JONES: But he could have taken them aboard, you know. These were three men who did . . .

SCHULTE-MÖNTING: No, I believe you cannot judge that. Only the commanding officer himself can judge that, the man in charge of the U-boat. I would have to look at the weather, because it says here "Medium swell." That could also . . .

MAJOR JONES: But you see here the U-boat commander must have spoken to these people and physically it must have been possible to take them aboard, but he left them to their fate, you know, knowing quite well he was leaving them to die.

SCHULTE-MÖNTING: No, not at all. Then he would not have needed to give them any food and to give them the course to the coast. What makes you think that they had to die? By the way . . .

MAJOR JONES: The last sentence is a clear indication that the U-boat captain knew he was leaving them to die. I am suggesting to you that he could have taken them aboard and should have done so if he had the elements of humanity in him.

SCHULTE-MÖNTING: No; I do not know the condition of the U-boat, whether the boat was in a position to take prisoners on board. I believe that you have never seen conditions on a U-boat; otherwise you would not judge it like that. Considering that the crew of a U-boat is under water for weeks and uses every last bit of space and is exposed to the greatest dangers day and night, one cannot simply say that it would have been a humane act to take these additional men aboard. Besides, the commander himself says there was hardly a chance of rescue in view of the prevailing weather.

MAJOR JONES: I have no further questions, My Lord.

DR. SIEMERS: Admiral, I have some questions concerning a few points which Mr. Elwyn Jones put to you. An entry was shown

to you from the document by Assmann of 10 October 1939 with the assertion that from this it can be seen that Raeder wanted to occupy Norway only in order to have Norwegian bases. I should like to read to you the full entry and I should like you then to take position to the entire document:

"The Führer agrees that full use of the only two battleships which we have at the time should not be made for the time being. Russia offered bases near Murmansk . . .

"Question of siege of England: Führer and Commander-in-Chief of Navy agree that all objections by neutrals have to be rejected, even in view of the danger of entry of U.S.A. into the war which seems certain if the war keeps on.

"The more brutally the war is conducted the sooner the effect, the shorter the war.

"Capacity for large U-boat production program. Führer rejects suggestion to have submarines built by or bought from Russia for political reasons. Commander-in-Chief of Navy states no advantages to be won for the U-boat war by conquest of Belgian coast; refers to the value of winning Norwegian bases—Trondheim—with the help of Russian pressure. Führer will consider the question." (Document D-879, Exhibit GB-482)

Admiral, according to the entire contents, is this a complete clarification of the Norwegian problem?

SCHULTE-MÖNTING: No, not at all.

DR. SIEMERS: Am I right in concluding that here a great number of questions are treated and only one strategic question with reference to Norway . . .

MAJOR JONES: If your Lordship pleases, the translation came through as, "no advantage of occupation of Norwegian bases" and the translation which is in the document is "Raeder stresses importance of obtaining Norwegian bases." Perhaps if there might be a careful—I am not saying this in any critical sense—a very careful translation of the entry, it might be important.

THE PRESIDENT: What is the—did you give that an exhibit number?

MAJOR JONES: No, My Lord. That is the entry from Assmann's headline diary.

THE PRESIDENT: Yes, I know it is. But I want to know the exhibit number.

MAJOR JONES: I will have an extract made and the exhibit number given this evening, My Lord.

THE PRESIDENT: It would be GB-482, would it not?

MAJOR JONES: Yes, My Lord, that is it; GB-482.

DR. SIEMERS: Mr. President, it is the same date; I beg your pardon if it does not agree; but the document from which I read I received through the courtesy of Mr. Elwyn Jones.

THE PRESIDENT: You had better go into the question of translation and get that settled.

MAJOR JONES: Yes, Your Lordship.

DR. SIEMERS: At any rate, Admiral, both entries are 10 October, that is, of the same conference. Am I right in saying that consequently there were many strategic questions, not one of which can be said to have been treated completely and conclusively?

SCHULTE-MÖNTING: No, I believe that this complex of questions has nothing to do with the comprehensive discussion between Hitler and Raeder concerning the occupation of Norway. The Norwegian question was touched upon, the occupation of Norway, and then a few points brought up for discussion which Raeder usually jotted down in his notebook. Apart from the question whether an occupation of Norway was necessary or not, the possibility of conquering bases outside German territory was accidentally touched on the same day.

DR. SIEMERS: Therefore, Murmansk which had been offered by Russia was discussed.

SCHULTE-MÖNTING: From Russia to Belgium—all along the coast, wherever there were possibilities and advantages for our submarine strategy.

DR. SIEMERS: If in the War Diary a sentence in connection with a conference between Raeder and Hitler is in quotation marks, does that mean that these words were used by Hitler? Can one assume that?

SCHULTE-MÖNTING: If it says . . .

MAJOR JONES: If your Lordship please, the translation has now been checked, and the original reading of "Raeder stresses the importance of obtaining Norwegian bases" appears to be a perfectly correct translation.

THE PRESIDENT: Go on, Dr. Siemers.

SCHULTE-MÖNTING: I understood, Dr. Siemers; shall I speak about that?

DR. SIEMERS: Yes, did you want to add something to that point?

SCHULTE-MÖNTING: Yes. I understand that the other gentleman just pointed out that Raeder allegedly called Hitler's attention

to the necessity of acquiring submarine bases and in that connection once spoke about Russian assistance and also about the possibility of acquiring bases from Norway. But that does not reveal any aggressive intentions.

DR. SIEMERS: Mr. President, in order to save time, I also asked Dr. Kranzbühler to check the translation. The German text as I should like to point out right now says: "The Commander-in-Chief of the Navy points out the value of winning Norwegian bases." That is something different from the English translation. But I should like to come back to this later.

[Turning to the witness.] Admiral, Mr. Elwyn Jones then submitted the affidavit of Walter Giese. I should be grateful if you would look at it again. It is D-722. The first line reads:

"I was born at Stettin on 24 November 1900, the son of a bricklayer's foreman, Ernst Giese."

Then it says:

"I sat in the reception room of the Commander-in-Chief as assistant to the adjutant."

Then it says, in the same paragraph:

"I received the minute book from the adjutant at midday after the conferences had ended and locked it up in the general safe."

Then it says on the second page:

"I did not have much contact with the Commander-in-Chief personally. This consisted merely in my submitting to him or fetching from him top-secret correspondence."

Admiral, am I right in assuming, therefore, that Giese was a sort of messenger?

SCHULTE-MÖNTING: Yes. In order to save officers we filled a large number of unimportant positions with civilians, people who we thought were worthy of our confidence. The care of a safe or guarding the key was really the task of the second adjutant, who later had to be used elsewhere.

Giese had been a sergeant in the Navy for many years and for 12 years had been a clerk in the Navy, and therefore had had a certain amount of practice in keeping files.

THE PRESIDENT: All this is stated in the document. If there is anything inaccurate in the document, you can put it to him. But it all is set out in the document, exactly as the Admiral said. You are wasting the time of the Tribunal by repeating it.

DR. SIEMERS: Mr. President, I believe what Mr. Elwyn Jones presented was also in the document. What matters is the question of interpretation and the witness has been referred to very definite

points. If I should be mistaken, I beg your pardon. I believed that I also had the right in re-examination to refer to certain points in the document.

THE PRESIDENT: If you want to, you can draw our attention to the paragraphs.

SCHULTE-MÖNTING: I can be very brief.

Giese had no inside information about the facts, and even if he had, without permission, looked into the minutes of the adjutant, which were not a shorthand record but merely notes to aid the memory of the adjutant, he could never have received the right impression without having taken part in the conference. And it was not up to him in the reception room to decide who should be admitted to the Commander-in-Chief, but rather up to the adjutant or to me. He did not even know who was to be admitted. And it is a bold statement or assumption when he says that a man like Hagelin saw Raeder each time instead of seeing me first. By the way, Hagelin came to me perhaps four or five times.

DR. SIEMERS: Do you believe Giese was present when Raeder talked to Hitler?

SCHULTE-MÖNTING: Giese? No, never. Giese sat in the reception room and took care of Raeder's telephone calls.

THE PRESIDENT: Dr. Siemers, nobody here suggests that he was. Mr. Elwyn Jones was not putting it that this man Giese was present at talks between Raeder and the Führer or Raeder and Hagelin.

DR. SIEMERS: Mr. President, this is his affidavit, and in the affidavit, it says, as I should like to point out now, on Page 5, "According to all I heard, I can say that the idea of this undertaking emanated from Raeder and met with Hitler's joyous agreement."

How could he know that?

SCHULTE-MÖNTING: I might stress that even I as chief of staff was not present at these private conferences, and Herr Giese had to stay with the telephone and had no other way of gaining an insight than by giving his imagination free rein.

DR. SIEMERS: That is enough, thank you. I come now to Document D-872. That is the war diary of the naval attaché in Japan, in connection with which you were told that you must have known that Japan would attack America on 7 December. The telegram which is mentioned here is of 6 December. When could that telegram have arrived in your office?

SCHULTE-MÖNTING: You mean, when could I have received it personally?

DR. SIEMERS: Yes; or Raeder.

SCHULTE-MÖNTING: Not before the next morning.

DR. SIEMERS: That would be 7 December.

SCHULTE-MÖNTING: At the earliest. In this case, the Chief of Staff of the Naval Operations Staff would decide whether for operational reasons that telegram should be presented at once, or not.

DR. SIEMERS: Admiral, do you remember that document?

SCHULTE-MÖNTING: Yes.

DR. SIEMERS: Is Pearl Harbor mentioned in the document?

SCHULTE-MÖNTING: No. I tried to explain that Pearl Harbor had no connection with that telegram from Admiral Wennecker at all and that Wennecker depended on sources of information and on his assumptions or formulated his assumptions in a telegram on the basis of his information without having any definite facts. Such telegrams were received continuously. Sometimes these assumptions were correct; sometimes they were incorrect.

DR. SIEMERS: Admiral, the Prosecution has submitted it to prove that military negotiations had taken place with Japan. Am I correct in saying that that was only a message concerning possible developments?

SCHULTE-MÖNTING: Yes, of course. I have tried before to explain that there were no military negotiations between the admiralty staffs. Rather the naval attaché was charged with examining and transmitting all information of value which came to him.

DR. SIEMERS: Then a document was shown you which was not submitted, an interrogation of Raeder of 10 November 1945. May I ask to look at the bottom of Page 5 of this document which I am handing to you and the passage which was read on Page 6?

THE PRESIDENT: Mr. Elwyn Jones, that ought to have a number, ought it not?

MAJOR JONES: That will be GB-483, My Lord.

DR. SIEMERS: On that document, Page 5 at the bottom, is Document C-75 mentioned?

SCHULTE-MÖNTING: No.

DR. SIEMERS: I believe you are mistaken, Admiral, or else I have made a mistake.

SCHULTE-MÖNTING: I have an English copy—do you mean the English one?

DR. SIEMERS: Yes, the English copy because it does not exist in German.

SCHULTE-MÖNTING: You mean the last paragraph?

DR. SIEMERS: I believe the last line or the line before the last. The page numbers are very hard to read. Maybe you have the wrong page.

This interrogation, Mr. President, concerns Document C-75. I believe the witness will find it soon. Mention has been made of this document recently and in accordance with the wish recently expressed by the Tribunal, I am submitting C-75; that is Directive Number 24 about the co-operation with Japan, and the full text is Document Number Raeder-128. The Tribunal will recall that the British Delegation . . .

THE PRESIDENT: Has it already been put in, C-75, has it already been put in?

DR. SIEMERS: I submit it now, C-75.

THE PRESIDENT: No, has it already been put in? Has it already been offered in evidence?

DR. SIEMERS: You may recall that the Prosecution has submitted Document C-75 as USA-151 . . .

THE PRESIDENT: Well, that is all I wanted to know. If it has already been put in, it does not need a new number, is that not the position?

DR. SIEMERS: Mr. President, may I remind you that it needs a new number because only the first part was submitted by the Prosecution.

MAJOR JONES: It has already been exhibited as USA-151, My Lord.

THE PRESIDENT: Well, I think we are not giving fresh numbers, Dr. Siemers, to parts of documents which had already been put in. If the document has been put in, then where you want to use a fresh part of the document it has the same number as the old number; that is all.

DR. SIEMERS: But, Mr. President, if the Prosecution in their document put in only the first three paragraphs then I cannot . . .

THE PRESIDENT: Yes, I know; I know that perfectly well, but you are perfectly entitled to put in any part of the document. It is only a question of what number is to be given to it and I think—I may be wrong—that up to the present we have not given new numbers to documents once that they have been put in, although fresh parts of the documents are put in.

MAJOR JONES: My Lord, the position with regard to C-75 is that the whole of the original has been put in as USA-151, but only

an extract from the original was included in the English document which was put before the Court.

THE PRESIDENT: Yes, I see. All I was concerned with was the number of the thing. It has got the number USA-151 and I thought our practice had been that it should continue to have that number. You can put in any part of it you like, and if it is a question of translation, no doubt the Prosecution will hand it to the translation department and have it translated for you; but you are attempting to give it a new number, that is all.

DR. SIEMERS: I beg your pardon, once more, but I was asked recently to submit the document anew and that is where the misunderstanding arose. Under these circumstances, now that I hear that it has been submitted in its entirety, I can withdraw it; I should be grateful if the Tribunal were also to receive the complete translation of the document in English and not only the first two paragraphs.

[Turning to the witness.] Admiral, have you found it in the meantime?

SCHULTE-MÖNTING: Yes, it is on Page 7 as you thought and not on Page 5. The document refers . . .

DR. SIEMERS: I apologize. It is right then that the interrogation refers to Document C-75?

SCHULTE-MÖNTING: Yes.

DR. SIEMERS: Document C-75, Admiral, is Directive Number 24 concerning collaboration with Japan, and it says: "The following rules apply: Our common war aim is to defeat England quickly and thereby keep the U.S.A. out of the war."

Besides that the document also mentions the fact I referred to recently, that Singapore should be occupied by Japan.

Now Raeder, on 10 November '45 stated his position in respect to this and, according to the next page of the document, he said that which Mr. Elwyn Jones has just put to you. May I ask you to look at it again? It says there, on Page—I thought it was at the top of Page 6, maybe it is at the top of Page 8 . . .

SCHULTE-MÖNTING: The top of Page 8. I do not know English as well as German, but I would translate it: "If that which Japan needs . . ."

DR. SIEMERS: If I remember correctly, the word is "need."

SCHULTE-MÖNTING: Yes, he uses the word "need"—"and other things, things that the Japanese need."

DR. SIEMERS: That is to say, Japan's needs and other things which Japan requires. Therefore, the conversations mentioned by Raeder were not concerned with strategic points?

SCHULTE-MÖNTING: No, these are two entirely different things.

DR. SIEMERS: So that Raeder's answer is concerned purely with questions of supplies and material.

SCHULTE-MÖNTING: Yes, purely questions of supplies and material...

DR. SIEMERS: Thank you.

SCHULTE-MÖNTING: ... which we had with all the navies, not only with the Japanese.

DR. SIEMERS: Then I come to the Commando Order about which you testified already. I want to put to you the following: You have been shown Document D-658, which says that according to the Armed Forces communiqué the soldiers were executed, that the soldiers wore uniforms and that the Führer's Order was something new in international law. I believe that the naval commander in western France reported this and that this was contained in the Armed Forces communiqué. The man who compiled the War Diary wrote: "A new thing in international law." I am not a military man, but I should like to ask you, would you consider such a reference a criticism of the order?

SCHULTE-MÖNTING: I believe that I have to answer the question in the following manner: Normally, the fact of an execution is not entered in a war diary on operational matters.

THE PRESIDENT: I do not think that is really a matter which we can go into, whether he thinks this is an entry which is a criticism of the order.

SCHULTE-MÖNTING: I believe he wanted to establish that it was something new.

DR. SIEMERS: Never mind, Admiral. A factual question. The Prosecution asserts again that it concerns soldiers in uniform. The Wehrmacht communiqué announced the execution on 9 December. The execution, as I have already shown in another connection, did not take place until 11 December. I am presenting to you now Document UK-57, and ask you to look at the second paragraph under Figure 4. The heading Figure 4 reads: "Sabotage against German ships near Bordeaux"; then it says: "December 12, 1942"; and further on we read:

> "From the submarine the participants went two by two in paddle boats up the Gironde estuary. They wore special olive gray uniforms. After carrying out the blastings they sank their boats and tried, with the aid of French civilians, to escape to Spain in civilian clothes."

Did these soldiers behave correctly according to the provisions of international law?

SCHULTE-MÖNTING: In my opinion, no.

DR. SIEMERS: Then I have no more questions.

SCHULTE-MÖNTING: If they had had a clear conscience, they would not have needed to wear civilian clothes.

DR. SIEMERS: Excuse me, just this final question:

Did you personally in the High Command receive an inquiry or any information before this execution which was carried out at the direct order of the Führer?

SCHULTE-MÖNTING: No, neither an inquiry nor any information.

FLOTTENRICHTER KRANZBÜHLER: Mr. President, the question as to whether a document concerning Norway had been translated correctly was just discussed. I shall find out what number it is. The English translation which I have before me is not identical with the German original. It deviates considerably. It is Document GB-482.

I shall read the German text which in my opinion differs from the English translation.

> "The Commander-in-Chief of the Navy states: Conquest of Belgian coast provides no advantage for our submarine warfare; points out value of winning Norwegian bases (Trondheim) with the help of Russian pressure. The Führer will consider the question."

THE PRESIDENT: Dr. Kranzbühler, would it not save time, really, if we have the sentence which is said to have been wrongly translated referred to a committee of experts in the translating division?

FLOTTENRICHTER KRANZBÜHLER: Mr. President . . .

THE PRESIDENT: It really is not a matter which it is worth while wasting time over.

FLOTTENRICHTER KRANZBÜHLER: I beg your pardon, I did not know that it was to be examined again.

THE PRESIDENT: I think we had better have it examined and then the translation certified to.

FLOTTENRICHTER KRANZBÜHLER: I beg your pardon, Mr. President. I, myself, have a question to put to the witness.

Admiral, Document D-873 has been put to you before. That was a war diary of *U-71* and concerned the supplying of three Norwegians in a lifeboat. The entry was on 21 June. I have already

submitted it to the Tribunal under Dönitz Number 13, on Page 23 of my document book, a statement by the above-mentioned commanding officer Flachsenberg. According to that statement this submarine put to sea on 14 June. It was west of Norway. Can you tell me if that U-boat, therefore, on 21 June, was putting out for operations or returning from operations?

SCHULTE-MÖNTING: You mean from memory?

FLOTTENRICHTER KRANZBÜHLER: No, considering the dates, put out to sea on 14 June, this entry on 21 June.

SCHULTE-MÖNTING: Putting out.

FLOTTENRICHTER KRANZBÜHLER: Putting out. As you know, this submarine was a 500-ton vessel. Is a boat of that size in a position to carry out an operation over several weeks with three additional people on board?

SCHULTE-MÖNTING: I believe not. I am not enough of an expert to be able to judge definitely what the extra weight of additional persons on board might mean as far as trimming experiments and such things are concerned; but aside from that, I do not believe that such a small boat, which is putting out to sea for an operation, can load itself on the way with prisoners. I do not consider that possible.

FLOTTENRICHTER KRANZBÜHLER: Thank you.

THE PRESIDENT: The witness can retire.

DR. SIEMERS: Then, with the permission of the Court, the witness may retire.

[Turning to the President.] Mr. President, in accordance with my statement at the beginning of this case, I have already submitted the majority of my documents during the examination. With the permission of the Tribunal, may I proceed now to submit as quickly as possible the remainder of the documents with a few accompanying statements.

I submit to the Tribunal Exhibit Number Raeder-18, an excerpt from the Document Book 2, Page 105, an excerpt from a book which Churchill wrote in 1935 called *Great Contemporaries.* I ask the Tribunal to take official notice of the contents. Churchill points out that there are two possibilities, that one cannot say whether Hitler will be the man who will start another world war or whether he will be the man who will restore honor and peace of mind to the great German nation and bring it back serene, helpful and strong to a galaxy of the European family of nations.

As Exhibit Number Raeder-20 I submit a short excerpt from Adolf Hitler's *Mein Kampf* with reference to the fact that the Prosecution has said that from that book one could see that Hitler

intended to wage aggressive wars. I shall show in my final pleadings how much one can see from that book. I ask that the Tribunal take judicial notice of the short excerpt on Page 154: "For such a policy there was but one ally in Europe, England."

Exhibit Number Raeder-21, a speech made by Hitler to the German Reichstag on 26 April 1942, is to show how rights were increasingly limited in Germany and how the dictatorship became more and more powerful.

Document Book 4, Exhibit Number Raeder-65, intended to facilitate my arguments, is the Hague Agreement about the rights and duties of neutrals in naval warfare. I need that for my final pleadings in connection with Exhibit Number Raeder-66, the statement of opinion by Dr. Mosler in Document Book 4, Page 289, the first document.

THE PRESIDENT: Can you give us the pages?

DR. SIEMERS: Page 289, Mr. President. It is the first page of the Document Book 4.

THE PRESIDENT: Yes.

DR. SIEMERS: Then I ask the Tribunal to be kind enough to take up Document Book 5, since the remaining documents have already been submitted. I submit as Exhibit Number Raeder-100, Document Book 5, Page 437, a document from the *White Book* concerning the "top-secret" meeting of the French War Commission on 9 April 1940, with Reynaud, Daladier, Gamelin, General Georges, the Minister of the Navy, the Minister of the Colonies and the Air Minister present. It concerns the suggestion by Admiral Darlan of moving into Belgium. The suggestion was supported by General Gamelin and also by the Minister for National Defense and War. On Page 442 there is mention of the march into Holland and finally of Luxembourg. Since the High Tribunal has knowledge of the contents from the discussion of the documents, I do not want to read any details. I simply ask the Tribunal to take judicial notice of it. I should also like to point out that on Page 443 of this very long document mention is made of the occupation of the harbor of Narvik and of the intention to get hold of the mines of Gallivare.

I now submit Exhibit Number Raeder 102, in the same document book, Page 449. This is an order of the 2d Belgian Infantry Regiment of 13 April 1940 concerning information about friendly troops and the building of a fortified position. It can be seen from the document that the friendly troops mentioned are the Allies.

Then I submit Exhibit Raeder-103, Page 452, which is a French document of 16 April 1940 from headquarters concerning measures about the rail transportation of French troops in Belgium.

I ask the Tribunal to take judicial notice of all these documents, which I shall not read in detail.

The same applies to Exhibit Number Raeder-104, Document Book 5, Page 455, which is the order of 19 April 1940 of the 2d British Division concerning security measures in Belgium. There we find a directive similar to one in a document which has been submitted by the Prosecution, a directive to establish contact with Belgian civilian authorities.

Exhibit Number Raeder-105, Document Book 5, Page 459, is the statement of a Luxembourg citizen which shows that 200 men, French soldiers in uniform, entered Belgium in armored cars 7 days before the outbreak of the German-Belgian hostilities.

May it please the Tribunal, I originally intended not to submit anything in this Trial concerning the character of my client because I was of the opinion that Admiral Raeder, both at home and abroad, enjoyed great respect. The first trial brief against Raeder did not affect that intention. Shortly before the presentation of that trial brief it was changed, becoming considerably more severe and containing moral accusations which seriously injure and insult Raeder's honor. I have no doubt that the High Tribunal will understand why under these circumstances I ask to be permitted to submit some of the documents granted me which concern Raeder's character. I submit Exhibit Raeder-119, Document Book 6, Page 514. That is a letter from Frau Von Poser addressed to me. It is not an affidavit and quite purposely I have submitted the original because in my opinion it will make a more immediate and direct impression than an affidavit which I would first have to ask for in my capacity as defendant's counsel.

Similarly, there is a fairly long letter from Professor Dr. Seibt who approached me on his own initiative. I submit Exhibit Number Raeder-120, Document Book 6, Page 517. I would be grateful to the Tribunal if it would take judicial notice of that letter. In order to save time I refrain from reading it since it is six pages long.

Then I submit Exhibit Raeder-122, Document Book 6, Page 526, a letter from Herr Erich Katz, which I submit with its appendices and I ask the Tribunal to take judicial notice of it. This presents one of the cases in which Raeder intervened personally, using his influence and position—he used the official stationery of the Commander-in-Chief of the Navy to intervene on behalf of Herr Katz who had been attacked as a Jew—and actually succeeded in protecting him. Herr Katz has sent me these documents on his own initiative in order to show his gratitude.

As Exhibit Raeder-123 I submit a letter from Günter Jacobsen that concerns a similar case. Jacobsen also, without my asking it, approached me in order to testify that Raeder rescued his father,

who as a Jew had been accused of race defilement, from the concentration camp Fuhlsbüttel—I believe it was still a prison at that time—so that Jacobsen could emigrate to England where he is living now.

I submit as Exhibit Number Raeder-124, an affidavit...

GENERAL RUDENKO: Mr. President, I must make the following statement. All four exhibits mentioned just now by Dr. Siemers are personal letters from various persons to Dr. Siemers. They are not sworn affidavits. They are not interrogations. Therefore these documents have little probative value, and I hold the view that they ought not to be admitted as evidence. Many letters are received, and if they were all to be submitted to the Tribunal, the Tribunal would have great difficulty in establishing the truth and how far they are of probative value. In that connection, I personally object to the fact that these documents should he accepted as evidence in Raeder's case.

DR. SIEMERS: My Lord, may I...

THE PRESIDENT: The Tribunal does not think that the matter is of sufficient importance to insist upon evidence being upon oath. The documents are admitted.

DR. SIEMERS: As Exhibit Number Raeder-124 I submit an affidavit by Konrad Lotter. The affidavit is very short and with the permission of the Tribunal, I should like to read this one page:

"Grand Admiral Raeder has always appeared to me a man who embodied the finest traditions of the old Imperial Navy. This was true particularly in regard to his philosophy of life. As a man and as an officer he was at all times the best model imaginable.

"In 1941, when the anti-Christian policy of the Hitler regime was in full force in Bavaria, when cloisters were closed and in the education of the youth intolerance against every creed became crassly manifest, I sent a memorandum of 12 pages to the Admiral in which I presented to him my objections to this policy. Admiral Raeder intervened at once. Through his mediation, I was called to the Gauleiter and Minister of the Interior, Wagner, in Munich. After a series of discussions between the clerical, governmental, and Party authorities an agreement was reached which had the following results: The school prayer was retained, the crucifix was allowed to remain in the schools, *et cetera;* furthermore, 59 clergymen who had been fined 500 marks each were pardoned.

"The closing down of cloisters was also stopped at that time. Gauleiter Wagner had to..."

THE PRESIDENT: Dr. Siemers, all these documents have been read by us very recently.

DR. SIEMERS: Very well. Then I just ask the Tribunal to take judicial notice of the remainder.

I submit also the two documents, Exhibit Number Raeder-125 and Exhibit Number Raeder-126. Number 125 is an affidavit by the former Reich Defense Minister, Dr. Otto Gessler, and Number Raeder-126 is an affidavit by the Navy Chaplain Ronneberger. I ask you to take judicial notice of this latter document.

I should like to be permitted to read the short affidavit by Dr. Gessler since it contains not only something of a purely personal nature, but also remarks concerning the accusations against Raeder.

"I, Gessler, have known the former Admiral Dr. Raeder personally since about the middle of the 20's when I was Reichswehrminister. Raeder was then inspector of the educational system in the Navy. I have always known Raeder as a man of irreproachable, chivalrous character, as a man fully conscious of his duty. As to the subject of the Indictment, I know very little.

"Raeder visited me repeatedly after my release from imprisonment by the Gestapo in March 1945 when I lay in the Hedwig Hospital in Berlin and he also made arrangements for me to get home, as I was ill and completely exhausted. I told him then about the ill-treatment I had suffered, especially the torture. He was obviously surprised and incensed about this. He said he would report this to the Führer. I asked him at once to refrain from that, for I had been told before the torture, and officially, that all of this was taking place at the explicit order of Hitler. Moreover, I knew definitely that I would immediately be rearrested, since on my release I had signed the well-known declaration and could not even obtain a confirmation of my detention in order to get a ticket for my trip home.

"I heard nothing about secret rearmament in the Navy, neither during my term of office nor later. During my term of office, until January 1928, Admiral Raeder would not have been responsible either, for at that time he was not Chief of the Naval Command.

"At the time of the National Socialist regime I was ignored by my former department and snubbed. One of the few exceptions was Dr. Raeder. Before 1939 among other things he invited me three times to visit on the cruiser *Nürnberg* although I had refused twice. During the visit in June 1939 he came to Kiel personally to pay his respects to me. At that

time we also discussed the political situation. I expressed the apprehension that an attack on Poland would mean a European war. Raeder declared positively that he considered it out of the question that Hitler would attack Poland. When this did happen later, I explained this to myself on the grounds that Hitler liked to place even the highest military leaders face to face with accomplished facts."

Then there is the statement "under oath" and the signature of the notary.

As to the last Exhibit Number Raeder-126, from the Navy Chief Chaplain Ronneberger, I ask the Tribunal to take judicial notice of it since it is too late to read it. It is a factual description and survey of church questions and of religious matters in the Navy.

Mr. President, with that, with the exception of three points, I can conclude my case. There are still two interrogatories missing which have not yet been returned. I ask permission to submit these as soon as they are received.

Then, there is the witness Generaladmiral Böhm, who has already been approved, but who on account of illness has not yet been able to appear. The British Delegation, through Sir David, has been kind enough to agree that if necessary this witness can be interrogated at a later date. May I be permitted to ask the Tribunal to keep this open, and if possible to permit Admiral Böhm to be questioned at a later date. I want to point out now that it will not be so large a complex of questions as in the case of Admiral Schulte-Mönting, which the Tribunal knows from the material I have submitted.

This concludes my case Raeder.

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal adjourned until 23 May 1946 at 1000 hours.]

ONE HUNDRED AND THIRTY-SEVENTH DAY

Thursday, 23 May 1946

Morning Session

THE PRESIDENT: With reference to the documents of the Defendant Seyss-Inquart, the Tribunal admits the following documents which were objected to: Number 11, Number 47, Number 48, Number 50, Number 54, and Number 71.

The remainder of the documents which were objected to are rejected. I will enumerate them: Number 5, Number 10, Number 14, Number 19b, Number 21, Number 22, Number 27, Number 31, Number 39, Number 55, Number 60, Number 61, Number 68, Number 69.

That is all.

M. DUBOST: Mr. President, last night at the end of the session the counsel for Admiral Raeder submitted a certain number of documents including Document Raeder-105 of Document Book 5. This document is an excerpt from the German *White Book,* Number 5. It is the testimony of an old man of 72, a native of Luxembourg, who had lived in Belgium for only 6 months, and who affirms that in April 1940 he saw 200 French soldiers in Belgium. These soldiers, who he said were French, were in armored cars.

I must ask the Tribunal to allow me to make objection to this Document Number 7 of the *White Book* Number 5, the original of which has never been submitted and has not even been reproduced in the *White Book*, as is the case with a certain number of documents in the German *White Book.* It is necessary that in the name of France and of Belgium a protest—a formal, categorical protest—be made against such an assertion. At no time before the invasion of Belgium by the German forces did any French troops set foot on Belgian soil. The reading of this document, Number Raeder-105 of Document Book 5 of Admiral Raeder, enables us to understand how there came to be the error in the testimony by Grandjenet that is cited.

I have already told the Tribunal that this man is 72 years old and was from Luxembourg. To the question put to him by the German authorities as to how he recognized the soldiers he had seen as being of French nationality, he answered:

"I was quite sure that they were French soldiers because I know their uniform well. Moreover, I recognized the soldiers because of the language they used when they spoke to me."

Now, as far as the uniform is concerned, the Tribunal knows that at the time when these events took place, the Belgian Army had a uniform of the same color as the French Army and a helmet of the same shape. As for the language, the Tribunal knows that a great part of the Belgian population who live along the Luxembourg frontier speak French, and the Belgian soldiers recruited in these districts speak French.

The Tribunal will certainly remember that this witness, who is a very old man, had only been living for 6 months in Belgium and probably had only a limited experience with things Belgian—and especially with the Belgian Army.

At any rate, we assert in the name of France and in the name of Belgium that before 10 May 1940 no French troops, no organized French troops, penetrated Belgium, and that the isolated individuals who did go into Belgium were interned there.

THE PRESIDENT: Yes, Dr. Siemers?

DR. SIEMERS: If it please the Tribunal, may I reply very briefly?

This matter concerns a document from the *White Book,* on which a decision has already been handed down once and which was granted me. I propose that the Prosecution be requested to submit the original if they dispute the correctness of this document. In this I am in agreement with a decision of the Tribunal according to which the application is to be made for the presentation of the original if it is available, or application should be made so that whoever has the original should produce it. As far as I know the Prosecution have the original, since all original documents were located in the Foreign Office in Berlin, or in the alternative place of safekeeping, and all the originals of these *White Books* fell into the hands of the Allies.

THE PRESIDENT: What do you mean by "original"? The original, I suppose, is the original of the *White Book.* Is that what you mean?

DR. SIEMERS: Yes, I mean now, Mr. President, the original of this court record.

THE PRESIDENT: Well, this comes from a *White Book.* That is a printed document, I suppose, I do not suppose it contains the original of the statement of this Luxembourg man.

DR. SIEMERS: The *White Book* is a collection of numerous documents, and the single original documents are in the possession of

the Foreign Office; in part they were from the files of the French General Staff, and partly they were records of court proceedings. Regarding the contents of this document . . .

THE PRESIDENT: M. Dubost, you are not proposing that we should strike the document out, but the Tribunal will certainly take into account the facts to which you have drawn our notice.

M. DUBOST: This is an application that the Tribunal shall refuse to admit that document, Mr. President. At the same time this is a protest against the assertion made by the Defense that French soldiers violated Belgian neutrality in the course of the month of April. I hope the Tribunal will allow me to add a few words of explanation. The *White Book,* which we have here, comprises two parts. The first part reproduces texts and the second part gives photostatic copies of these texts. In the first part, which simply reproduces the texts, is found the document which I ask the Tribunal to strike from the record. We have searched in the second part which gives the photostatic copies of the documents in the first part, and we do not find it. We state to the Tribunal that the original of the document, which we ask the Tribunal to strike out, has not been reproduced in the German *White Book,* since it is not to be found in the second part.

DR. SIEMERS: Mr. President, I believe that M. Dubost's entire explanation refers to the question of the value of the document as evidence and not to the question of the admissibility of the document. That this document is in order appears to me to be quite clear, since it is a record of court proceedings where a certain person, namely Grandjenet, has been interrogated. Everything said by M. Dubost referred more to the contents of the document than to the question of its value as evidence. May I ask therefore that the document be admitted, as has been done up to now, and ask that consideration be given to the fact that the document has value in connection with the other documents which have been granted to me and to Dr. Horn in his document book with reference to Holland and Belgium.

If, in the second part of the document book there is no photostatic copy . . .

THE PRESIDENT: Well, Dr. Siemers, and M. Dubost, the Tribunal will consider the objection that has been made.

DR. SIEMERS: May I merely mention, Mr. President, that if the photostat is not in the book, as M. Dubost states, then this is due to the fact that this court record in its original text was German, and the facsimiles are those prepared from the original text in French, that is to say, of those documents which in their original version were in French. If necessary I would appeal to Geheimrat

Von Schnieden as a witness regarding this record, since he at the time was informed about all the records of this type and helped in the work of compiling the book.

THE PRESIDENT: Very well, the Tribunal will consider the objection.

FLOTTENRICHTER KRANZBÜHLER: Mr. President, with the permission of the Tribunal I should like to say that the interrogatory put to the American Commander-in-Chief of the Navy, Admiral Nimitz, is available. I received it the day before yesterday and in the meantime it has gone in to the interpreters for translation. With the permission of the Tribunal, I should like to submit it now, in connection with the cases of Admiral Dönitz and Admiral Raeder.

THE PRESIDENT: Have the Prosecution seen it?

FLOTTENRICHTER KRANZBÜHLER: Yes.

THE PRESIDENT: Have you got copies for us?

FLOTTENRICHTER KRANZBÜHLER: I had been informed that the copies for the Tribunal would be handed on by the General Secretary.

THE PRESIDENT: Unless we have copies, the document must not be read. It must be put off until we have copies.

FLOTTENRICHTER KRANZBÜHLER: There are two copies in English and one in French.

I present the document as Number Dönitz-100.

THE PRESIDENT: Dr. Kranzbühler, the Soviet members of the Tribunal do not have a copy of the document translated into their language, so you will present it at a later date.

Will the counsel for the Defendant Von Schirach present his case?

DR. FRITZ SAUTER (Counsel for the Defendant Von Schirach): Gentlemen of the Tribunal, I propose first of all to conduct the examination of the Defendant Schirach himself, and in the course of this examination I will bring to your attention the passage of the document book concerned, as the individual points come up. Following the examination of the defendant I shall then call my four witnesses, and at the end I intend to submit the remaining documents, insofar as these documents have not by that time been presented during the examination of the Defendant Von Schirach. I presume, Mr. President, that you agree to this procedure.

I now call to the witness stand, first, Baldur von Schirach.

[The Defendant Baldur von Schirach took the stand.]

THE PRESIDENT: Will you repeat the following oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The defendant repeated the oath in German.]

THE PRESIDENT: You may sit down.

DR. SAUTER: Witness, what is the date of your birth?

BALDUR VON SCHIRACH (Defendant): 9 May 1907.

DR. SAUTER: That means that a few days ago you were 39. You have been married for 14 years; is that correct?

VON SCHIRACH: Yes.

DR. SAUTER: And you have four children, whose ages are . . .

VON SCHIRACH: 4, 8, 11, and 13 years.

DR. SAUTER: In the Third Reich you were mainly active as Youth Leader?

VON SCHIRACH: Yes.

DR. SAUTER: What offices did you fill in that connection, that is, offices in the Party and in the Government—please state also how long you held these various offices?

VON SCHIRACH: To start with, in 1929 I was the leader of the National Socialist Students' Union. In 1931 I became Reich Youth Leader of the NSDAP, at first on the staff of the SA Supreme Command; in 1932, Reich Leader for Youth Education of the NSDAP; in 1933, Youth Leader of the German Reich, at first under the Minister of the Interior, Dr. Frick. In 1934, I held the same position under the Reich Minister of Education, Rust. In 1936 the Reich Youth Leader became a leading Reich official, and in that capacity I came directly under the Führer and Reich Chancellor.

DR. SAUTER: Now, which of your offices were Party positions and which of the ones you have mentioned were offices of the Reich?

VON SCHIRACH: Party positions were the office of Reich Youth Leader of the NSDAP, and that of Reich Leader for Youth Education. Government positions: The Youth Leader of the German Reich, at first subordinate to the Minister of the Interior as I have described or under the Minister for Education, and then in an independent position.

DR. SAUTER: Witness, you were removed from some of these offices in 1940. What positions in Youth Leadership did you lose in 1940, and what positions did you still continue to fill to the end?

VON SCHIRACH: In 1940 I left the position as the leader of Youth, that is, I left the office of the Reich Youth Leadership of the NSDAP, but I retained the office of Reichsleiter for Youth Education and with that the entire responsibility for German youth. I received as an additional new post that of Gauleiter of Vienna,

which was combined with the governmental post of Reichsstatthalter of Vienna and also that of Reich Defense Commissioner for Wehrkreis XVII.

DR. SAUTER: Witness, we want now to come back to your activity as Youth Leader. There is an affidavit by you here dated 4 December 1945, 3302-PS. In this affidavit you stated to the Prosecution in December that you acknowledge yourself to be responsible for all youth education in the Third Reich.

VON SCHIRACH: That is correct.

DR. SAUTER: Were you, when you gave the statement of guilt, under the impression that your successor, the late Reich Youth Leader Axmann, was dead?

VON SCHIRACH: Yes.

DR. SAUTER: You thought that he died in the last battles of the war?

VON SCHIRACH: Yes, I was convinced that he had died in Berlin.

DR. SAUTER: In the meantime, Witness, you have learned from newspaper reports that your successor as Reich Youth Leader, this man Axmann, is still alive. Is that correct?

VON SCHIRACH: Yes.

DR. SAUTER: Do you want then, today, to support your affidavit regarding your personal responsibility as Youth Leader without reservation; or do you want to limit it in any respect today?

VON SCHIRACH: I do not want to limit this affidavit in any way. Although during the last years of his life Hitler gave orders to the Youth of which I do not know and also my successor, Axmann, particularly in 1944, gave orders with which I am not acquainted since the relationship between us had been broken off due to the events of the war, I stand by the statement that I have made in the expectation that the Tribunal will consider me the only person responsible in Youth Leadership and that no other Youth Leader will be summoned before a court for actions for which I have assumed responsibility.

DR. SAUTER: Witness, I would now be interested in knowing whether possibly principles and directives which you received from Hitler or from any Party office or from any governmental quarter were the formula for your youth education; or whether, for your youth education, the principles were derived from the experiences which you had during your own youth and among the youth leaders of that time.

VON SCHIRACH: The latter is correct. Of course, the education of the Hitler Youth was an education on the basis of the National

Socialist idea. But the specifically educational ideas did not originate with Hitler, they also did not originate with other leaders in the Party; they had their origin in youth itself, they originated with me, and they originated with my assistants.

DR. SAUTER: Perhaps you will be good enough now to explain to the Tribunal somewhat more in detail how you, yourself, arrived at those principles and that type of youth education, based on your own education, your personal development, and so forth?

VON SCHIRACH: I believe that the simplest way for me to do this would be for me here, very briefly, to sketch the story of my youth and describe also in that connection the youth organizations with which I came in contact. I can in that way save much time for my further statements.

My father was a professional officer in the Garde-Kürassier Regiment of the Kaiser. I was born in Berlin and one year later my father retired and moved to Weimar, where he took over the management of the Court Theater there, which later became the Weimar National Theater. Thus I grew up in Weimar, and that town, which in a certain sense is the native city of all Germans, I regard as my native city. My father was well off; our home offered a great deal of intellectual and artistic stimulation, above all in the literary and musical field, but apart from and beyond the educational opportunities of our home, it was the atmosphere of the town itself, that atmosphere of the classic and also the postclassic Weimar which influenced my development. It was most of all the *genius loci,* which early captured my imagination. It is directly due to those experiences of my youth that later on I led the youth back again, year after year, to Weimar and to Goethe.

And the first document which is important in this connection for my case, which is Document Schirach-80, will prove just that. There is a brief reference in that document to one of the many speeches which I made in the course of my activity as Youth Leader to the leaders of the young generation, and in which I directed the youth to Goethe . . .

DR. SAUTER: May I interrupt you for a moment, Herr Von Schirach?

In this Document Number Schirach-80, Mr. President, there is —on Page 133 of Schirach's document book—a brief report on a Reich Cultural Convention (Reichskulturtagung) of the Hitler Youth in Weimar. This happens to be a report from 1937, but the defendant has already told you that such cultural conventions of the Hitler Youth took place every year in Weimar, the city of Schiller and Goethe. In this report, Document 80 of document book Schirach, there is, for instance, discussion of a speech of the defendant on

the importance of Goethe for the National Socialist education of youth. It is said, in this connection, that at that time Schirach stated, and I quote . . .

THE PRESIDENT: You need not read it to us, Dr. Sauter. It refers to Goethe, that is all.

DR. SAUTER: In that case, Herr Von Schirach, will you continue?

VON SCHIRACH: It was not only the annual cultural convention but the annual meeting of the leaders of the Hitler Youth which took place in Weimar. Apart from that there were also what we called the "Weimar Festivals of German Youth."

What is important in this connection is that in this speech I quoted a sentence of Goethe which, to a certain extent, became the leitmotiv of all my educational work: "Youth fashions itself afresh from youth."

Even my worst enemy cannot deny the fact that I was to the young generation of the German people at all times not only the propagandist of National Socialism but also the propagandist of Goethe. A certain Herr Ziemer has submitted a lengthy affidavit against me in which he quarrels with the youth education for which I am responsible. I believe that Herr Ziemer did his work a little too superficially. In his description of German national education he should at least have taken into consideration my educational efforts designed to guide youth toward the life work of Goethe.

I joined my first youth organization when I was 10 years old. I was then just the age of the boys and girls who later on entered the Jungvolk. That youth organization which I joined was the so-called "Young German League," (Jungdeutschland Bund), which Count von der Goltz had founded, a Boy Scout organization. Count von der Goltz and Haeseler, impressed by the British Boy Scout movement, had formed Pathfinder units in Germany, and one of these Pathfinder organizations was the Jungdeutschland Bund just mentioned. It played an important part in the education of German youth until about 1918 or 1919.

Much more significant in my development, however, was the time which I spent in a country boarding school (Waldpädagogium). This was an educational institution directed by an associate of the well-known educator, Hermann Lietz. There I was educated in the way which I later, on an entirely different basis . . .

THE PRESIDENT: Dr. Sauter, do you think the education of the defendant himself is in any way material for the Tribunal to hear? It is the education which he imparted which is the matter that is material. What he imparted, not what he himself took in.

DR. SAUTER: Mr. President, the defendant would nevertheless ask you to allow him these statements, particularly from the point of view that with them he wants to show you that the principles according to which he led youth education came to him not from Hitler and not from any Party source, but that they resulted from his own experiences in his own youth. It is, indeed, of some importance for the Tribunal to examine the question: According to what principles did the defendant direct youth education and how did he arrive at these principles? The defendant is asking permission to explain that.

THE PRESIDENT: Well, Dr. Sauter, the defendant has already taken some considerable time in telling us about his early youth and his education, and the Tribunal thinks that it ought to be cut short, and that not much more time ought to be taken up in dealing with the education of the defendant. As I have pointed out to you, what is material for us is the education he imparted to German youth and not the education which he received himself.

DR. SAUTER: We shall, of course, comply with your wish, Mr. President.

[Turning to the defendant.] Herr Von Schirach, will you please make your statements as brief as possible?

VON SCHIRACH: Yes, I can be very brief.

DR. SAUTER: Please, go on.

VON SCHIRACH: Lietz' idea was to give youth an education in which they have in the school an image of the state. The school community was a miniature state and in this school community was developed a self-administration of youth. I only want to point out in passing that he, too, was applying ideas which long before him had been developed by Pestalozzi and the great Jean Jacques. All modern education, of course, goes back somehow to Rousseau, be it a question of Hermann Lietz or the Boy Scouts, the Pathfinder movement or the German Wandervogel movement. At any rate, that idea of self-administration of youth in a school community gave me my idea of the self-leadership of youth.

My thought was to attract the younger generation in school to ideas that Fröbel had originated 80 years before. Lietz wanted to win over youth from early school days onward.

I may perhaps mention very briefly that when in 1898 Lietz began his educational work, the British Major Baden-Powell was being surrounded by rebels in a South African town, and was training youngsters to scout in the woods and with this laid the groundwork for his own Boy Scout movement, and that in that same year, in 1898, Karl Fischer from Berlin-Steglitz founded the Wandervogel movement.

DR. SAUTER: Witness, I think that this chapter, which is merely the historic background, might perhaps, in accordance with the wish of the President, be terminated now. If I understand you rightly then, you mean that those principles which you applied later on as Reich Youth Leader had become familiar to you in your own youth and in the youth movement of the time. Is that right?

VON SCHIRACH: Yes; basically, yes. The basic principles of my later work originate there.

DR. SAUTER: There is one more point I want to know in this connection. Did this education at that time have any political or anti-Semitic tendencies and how did you happen to get into politics?

VON SCHIRACH: No, that educational work had no political and most certainly no anti-Semitic tendencies, because Lietz came from the circles around the Democrat Naumann, from the Damaschke circle.

DR. SAUTER: But how did you get into politics?

VON SCHIRACH: In the meantime the revolution had broken out. My father . . .

DR. SAUTER: The revolution of 1918-1919?

VON SCHIRACH: Yes, the revolution of 1918-1919. My father had been thrown out of his position by the Reds. The National Assembly in Weimar had convened. The Weimar Republic had been founded. We had a parliamentary system, we had a democracy, or what we in Germany thought was a democracy—I doubt that it was one. It was about 1923. I was at home at the time. It was a period of general insecurity, want, and dissatisfaction; many respectable families had become beggars through the inflation, and the worker and the citizen had lost their savings. The name "Hitler" made its appearance in connection with the events of 9 November 1923. I was not able at the time to gain any exact information about him. This Trial has informed me and people of my generation for the first time what Hitler actually wanted. At that time I was not a National Socialist. Together with some boys of my age I joined a youth organization which had the name "Knappenschaft." It was in some way connected with the people's movement, but it was not bound to any party. The principles of that organization were simply comradeship, patriotism, and self-control. There were about 100 boys from my city in it at the time who, in this youth organization, fought against the shallow tendencies of youth in the postwar period and against the dissipation indulged in by growing youngsters.

In that circle, as a 16-year-old, I first came in contact with socialism, for here I found youths from every level, working boys,

craftsmen, young office employees, sons of farmers. But there were some older ones among us too, who were already settled in life, and some also who had been in the World War. From discussions with these comrades I came to grasp for the first time the consequences of the Versailles Treaty in their full import. The situation of the youth at the time was this: The school boy had the prospect of struggling through somehow or other as a working student, and then he would in all probability become a member of the academic proletariat for the possibility of an academic career practically did not exist for him at all. The young worker had no prospect of finding an apprenticeship. For him there was nothing other than the grim misery of unemployment. It was a generation nobody would help unless it helped itself.

DR. SAUTER: And that circle to which you belonged as a 16-year-old boy, then, gradually drifted into the currents of National Socialism?

VON SCHIRACH: Yes, and in quite a natural way.

DR. SAUTER: How did it happen?

VON SCHIRACH: In central Germany there were disturbances. I need only mention the name of the Communist bandit leader, Max Hölz, to indicate what conditions obtained at the time. And even after outward calm had come, conditions still prevailed that made it impossible to hold patriotic meetings because they were usually broken up by Communists. There came an appeal to us young people to furnish protection for these patriotic meetings, and we did. Some of us were wounded in doing this. One of us, a certain Garschar, was killed by Communists. In that manner a large number of national meetings took place which otherwise could not have been held in the Weimar Republic, National Socialist meetings, too; and to an increasing degree it was exactly such meetings that we had to protect because the Communist terror was directed against them particularly.

Through this protective activity I met leading National Socialists—at first as speakers, naturally, not personally. I heard Count Reventlow speak; I think I heard Rosenberg then too; I heard Streicher speak and heard the first oratorical efforts of Sauckel, who soon after became Gauleiter of the National Socialist Party in Thuringia. In this way . . .

THE PRESIDENT: What date is he speaking of?

DR. SAUTER: This is the period around 1924, that is, a year after the Hitler Putsch.

In that way, Witness, the circle of which you were then a member came under National Socialist influences. Was this also supported with reading, reading of National Socialist literature?

VON SCHIRACH: Of course, I do not know what my comrades read, with the exception of one book which I shall give you directly. I know only what I read myself; I was interested at that time in the writings of the Bayreuth thinker, Chamberlain, in *The Foundations of the Nineteenth Century,* in the writings of Adolf Bartels, in his *Introduction to World Literature* and *History of German National Literature.* There were works . . .

THE PRESIDENT: I have already told you that we do not want to know the full story of the defendant's education. He is now giving us a series of the books which he has read, but we are not interested.

DR. SAUTER: Very well, Mr. President.

VON SCHIRACH: I shall only say in one sentence that these were works which had no definite anti-Semitic tendencies, but through which anti-Semitism was drawn like a red thread. The decisive anti-Semitic book which I read at that time and the book which influenced my comrades . . .

DR. SAUTER: Please . . .

VON SCHIRACH: . . . was Henry Ford's book, *The International Jew;* I read it and became anti-Semitic. In those days this book made such a deep impression on my friends and myself because we saw in Henry Ford the representative of success, also the exponent of a progressive social policy. In the poverty-stricken and wretched Germany of the time, youth looked toward America, and apart from the great benefactor, Herbert Hoover, it was Henry Ford who to us represented America.

THE PRESIDENT: Dr. Sauter, the Tribunal thinks, as I have said twice now, that the educational influences of the defendant are quite irrelevant to us. I do not want to say it again and, unless you can control the defendant and keep him to the point, I shall have to stop his evidence.

DR. SAUTER: But, Mr. President, is it not of interest to the Tribunal when judging this defendant and his personality that they know how the defendant became a National Socialist and how the defendant became anti-Semitic? I had thought . . .

THE PRESIDENT: No, it is not of interest to the Tribunal.

DR. SAUTER: Witness, how did you then meet Hitler and how did you happen to join the Party?

VON SCHIRACH: I must say that I did not become a National Socialist because of anti-Semitism but because of Socialism. I met Hitler as early as 1925. He had just left Landsberg on the Lech, his imprisonment was ended, and he came to Weimar and spoke there. It was on that occasion that I was introduced to him. The

program for the national community which he developed appealed to me so enormously because in it I found on a large scale something I had experienced in a small way in the camaraderie of my youth organization. He appeared to me to be the man who would pave the way into the future for our generation. I believed that through him there could be offered to this younger generation the prospect of work, of happiness. And in him I saw the man who would liberate us from the shackles of Versailles. I am convinced that without Versailles the rise to power of Hitler would never have happened. That dictate led to dictatorship.

DR. SAUTER: Witness, when did you then become a member of the Party?

VON SCHIRACH: I became a member of the Party in 1925. I joined the SA at the same time, with all my comrades.

DR. SAUTER: You were 18 at the time?

VON SCHIRACH: Yes.

DR. SAUTER: Why did you join the SA?

VON SCHIRACH: The SA furnished the protection for the meetings, and we simply continued in the SA, as part of the Party, the activities which we had carried out before in our youth organization.

DR. SAUTER: In 1926, Witness, that is when you were 19 years old, there was a Party rally in Weimar?

VON SCHIRACH: Yes.

DR. SAUTER: As far as I know, you talked to Hitler personally on that occasion; is that correct?

VON SCHIRACH: Yes. I was to have talked personally to Hitler one year earlier. On this occasion there was another meeting. He was making speeches at various mass meetings in Weimar, and he came back to Weimar again during the same year to speak before a smaller circle. Together with Rudolf Hess he paid a visit to the home of my parents and on that occasion he suggested that I should study in Munich.

DR. SAUTER: Why?

VON SCHIRACH: He thought I ought to know the Party at its very core and thought I would become acquainted with the Party work in that way. But I want to say here that at that time I did not have any intention at all of becoming a politician. Nevertheless, I was very much interested, of course, in getting acquainted with the Movement at the place where it had been founded.

DR. SAUTER: You went, then, to Munich, and studied there?

VON SCHIRACH: Yes, I then went to Munich. At first I did not concern myself with the Party. I was occupied with Germanic studies, history, and the history of art; I wrote and I came into contact with many people in Munich who were not actually National Socialists but who belonged, I should say, to the periphery of the National Socialist movement. At that time I lived in the house of my friend, the publisher Bruckmann...

DR. SAUTER: Then in 1929 you became the head of the Movement within the universities. I think you were elected, not nominated, to that post?

VON SCHIRACH: The situation at the beginning was this: I attended Party meetings in Munich; in Bruckmann's salon I met Hitler and Rosenberg and many other men who later played an important role in Germany. And at the university I joined the university group of the National Socialist German Students League.

THE PRESIDENT: Yes, go on.

DR. SAUTER: Go on, Herr Von Schirach, you have just told us that you joined this university group in Munich. Will you please continue?

VON SCHIRACH: Yes, and I also started to take an active part in this group. I spoke there before my comrades, at first about my own work in the literary field, and then I began to give lectures to the students also about the National Socialist movement. I organized Hitler student meetings among the students in Munich, and then I was elected a member of the General Students Committee, the ASTA, and through this activity among the students I came more and more into contact with the Party leadership. In 1929, the man who was the then so-called Reich Leader of the National Socialist Students Union retired, and the question arose of who should be given the leadership of all the university groups. At that time Rudolf Hess, on behalf of the Führer, questioned all university groups of the National Socialist University Movement and the majority of all these groups cast their vote for me to head the National Socialist Students Union. This accounts for the curious fact that I am the only Party leader who was elected into the Party leadership. That is something which has otherwise never occurred in the history of the Party.

DR. SAUTER: You mean to say by that, that all the others were nominated, and you alone were elected?

VON SCHIRACH: I was elected, and then I was confirmed in office.

DR. SAUTER: And if I am right, you were elected at the students' meeting at Graz in 1931.

VON SCHIRACH: That is not correct. That is wrong. I am now talking only of the National Socialist University Movement; I will come back to this point later.

Now I was leader of the National Socialist University Movement, and I reorganized this movement. I began my work as a speaker. In 1931 I was . . .

THE PRESIDENT: Surely it is sufficient that he became the leader. It really does not matter very much to us whether he was elected or not.

DR. SAUTER: Mr. President, I am making every effort all the time to abbreviate this speech. But perhaps I may ask just one more question with reference to this subject.

Witness, then in 1931 you were, as far as I know, elected to the presidency of the General Congress of Austrian and German Students, comprising all parties, and elected, I think, unanimously. Is that correct?

VON SCHIRACH: It is not correct.

DR. SAUTER: Then explain briefly, Herr Von Schirach.

VON SCHIRACH: That is not correct. At the meeting of the General German Students Congress in 1931, at which all German students and all Austrian students and Sudeten-German students were represented, one of my collaborators whom I had suggested as leader was unanimously elected head of the entire student group. This was a very important affair for the youth and for the Party. Two years before the seizure of power the entire academic youth had unanimously given their vote to a National Socialist. After this students' rally at Graz, I had with Hitler a . . .

THE PRESIDENT: I think this would be a convenient time to adjourn.

DR. SAUTER: Very well.

[A recess was taken.]

DR. SAUTER: Witness, before the recess we stopped at the fact that in 1929 you had been elected the leader of the academic youth. Two years later, Hitler made you Reich Youth Leader. How did that appointment come about?

VON SCHIRACH: After the student meeting at Graz in 1931, the success of which was very surprising to Hitler, I had a conference with him. In the course of that meeting, Hitler mentioned a conversation we had had previously. At that time he had asked

me how it came about that the National Socialist University Movement was developing so quickly, whereas the other National Socialist organizations lagged behind in their development.

I told him at that time that one cannot lead youth organizations as an appendix of a political party; youth has to be led by youth, and I developed for him the idea of a youth state, that idea which had come to me from experiencing the school community, the school state. And thereupon in 1931 Hitler asked me whether I would like to assume the leadership of the National Socialist Youth Organization. This included youth cells, then the Hitler Youth and the National Socialist Students Organization, which also was in existence at that time. Several men had already tried their hand at the leadership of these organizations: the former Oberstführer SA Leader Pfeffer, the Reichsleiter Buch, actually without much result.

I agreed and became then Reich Youth Leader of the NSDAP, temporarily a member of the staff of the Oberst SA Leader Röhm. In that position, as Reich Youth Leader of the NSDAP in the staff of Röhm, I had the rank of an SA Gruppenführer and kept that rank also when, half a year later, I became independent in my position. That explains also the fact that I am an SA Obergruppenführer. I got that rank many years later, *honoris causa*. However, I did not possess an SA uniform—even after 1933.

DR. SAUTER: Then in 1931 you became Reich Youth Leader of the NSDAP?

VON SCHIRACH: Yes.

DR. SAUTER: That, of course, was a Party office?

VON SCHIRACH: Yes.

DR. SAUTER: Then in 1932 you became Reichsleiter? At that time you were 25 years old. How did that come about?

VON SCHIRACH: I have already said that I had expressed the opinion to Hitler that youth could not be the appendix of another organization, but youth had to be independent; it had to lead itself; it had to become independent; and it was in fulfillment of a promise which Hitler had already given me that, half a year later, I became an independent Reichsleiter.

DR. SAUTER: Independent Reichsleiter, so that you were subordinate directly to the Party leader Hitler?

VON SCHIRACH: Yes.

DR. SAUTER: With what material means was that youth organization created at that time?

VON SCHIRACH: With the means furnished by the young people themselves.

DR. SAUTER: And how were those funds raised? By collections?

VON SCHIRACH: The boys and girls paid membership fees. A part of these membership fees was kept at the so-called district leadership offices, which corresponded to the Gauleitung in the Party or to the SA Gruppenführung in the SA. Another part went to the Reich Youth Leader. The Hitler Youth financed its organization with its own means.

DR. SAUTER: Then, I am interested in the following: Did the Hitler Youth, which you created and which was given Hitler's name, get its importance only after the seizure of power and by the seizure of power only, or what was the previous size of this youth organization which you created?

VON SCHIRACH: Before the seizure of power, in 1932 the Hitler Youth was already the largest youth movement of Germany. I should like to add here that the individual National Socialist youth organizations which I found when I took over my office as Reich Youth Leader were merged by me into one large unified youth movement. This youth movement was the strongest youth movement of Germany, long before we came to power.

On 2 October 1932, the Hitler Youth held a meeting at Potsdam. At that meeting more than 100,000 youth from all over the Reich met without the Party's providing a single pfennig. The means were contributed by the young people themselves. Solely from the number of the participants, it can be seen that that was the largest youth movement.

DR. SAUTER: That was, therefore, several months before the seizure of power, and at that time already more than 100,000 participants were at that rally at Potsdam?

VON SCHIRACH: Yes.

DR. SAUTER: The Prosecution has made the accusation, Witness, that later, after the seizure of power—I believe in February 1933—you took over the Reich Committee of German Youth Organizations. Is that correct, and against whom was that action directed?

VON SCHIRACH: That is correct. The Reich Committee of Youth Organizations was practically no more than a statistical office which was subordinate to the Reich Minister of the Interior. That office was managed by a retired general, General Vogt, who later became one of my ablest assistants. The taking over of that Reich Committee was a revolutionary act, a measure which youth carried out for youth, for from that day on dates the realization of the idea of the Youth State within the State. I cannot say any more about that.

DR. SAUTER: The Prosecution further accuses you, Witness, of having dissolved the so-called "Grossdeutscher Bund" in 1933, that is, after the seizure of power. What was the Grossdeutscher Bund, and why did you dissolve it?

VON SCHIRACH: The Grossdeutscher Bund was a youth organization, or rather a union of youth organizations, with pan-German tendencies.

I am surprised, therefore, that the Prosecution has made the dissolution of that organization an accusation at all.

DR. SAUTER: Many members of this Grossdeutscher Bund were National Socialists. There was no very essential difference between some of the youth groups associated in that organization and the Hitler Youth. Is that correct?

VON SCHIRACH: I wanted youth to be united, and the Grossdeutscher Bund wanted to continue a certain separate existence. I objected to that, and there was agitated public controversy between Admiral Von Trotha, the leader of the Grossdeutscher Bund and me, and in the end the Grossdeutscher Bund was incorporated into our youth organization. I do not recall exactly whether I banned the organization formally; I know only that the members came to me, and that between Admiral Von Trotha and me a discussion took place, a reconciliation. Admiral Von Trotha until his death was one of the warmest sponsors of my work.

DR. SAUTER: How did the suppression of the Marxist youth organization come about?

VON SCHIRACH: I believe that the suppression of the Marxist youth organizations, if I remember correctly, came about in connection with the suppression of trade unions. I have no exact documents any more regarding that. But at any rate, from the legal point of view, I was not authorized in 1933 to order a suppression of that kind. The Minister of the Interior would have had to do that. I had the right to ban youth organizations, *de jure,* only after 1 December 1936. That the Marxist youth organizations had to disappear was a foregone conclusion for me, and in speaking about this suppression order as such, I can only say that the German working youth found the realization of its socialistic ideas, not under the Marxist governments of the Weimar Republic, but in the community of the Hitler Youth.

DR. SAUTER: Witness, at first you were Reich Führer of the NSDAP; that was a Party office. And after the seizure of power, you became Youth Leader of the German Reich; that was a State office. On the basis of this State or national office, did you also have jurisdiction over and responsibility for the school system, for the elementary schools, for instance?

VON SCHIRACH: For the school system in Germany the Reich Minister for Science, Education, and Culture was the only authority. My field was education outside the schools, along with the home and the school, as it says in the law of 1 December 1936. However, I had some schools of my own, the so-called Adolf Hitler Schools, which were not under national supervision. They were creations of a later period. And during the war, through the Child Evacuation Program that is, the organization by which we took care of evacuating the young people from the big cities endangered by bombing—I was in charge of education within the camps where these children were housed. But on the whole I have to answer the question about competence for the school system in Germany in the negative.

DR. SAUTER: This youth which you had to educate outside of the schools was called the Hitler Youth, the HJ.

Was membership in the Hitler Youth compulsory or voluntary?

VON SCHIRACH: The membership in the Hitler Youth was voluntary until 1936. In 1936 the law already mentioned concerning the HJ was issued which made all the German youth members of the HJ. The stipulations for the carrying out of that law, however, were issued only in March 1939, and only during the war, in May 1940, was the thought of carrying out a German youth draft considered within the Reich Youth Leadership and discussed publicly. May I point out that my Deputy Lauterbacher, at the time when I was at the front, stated in a public meeting—I believe at Frankfurt in 1940—that now, after 97 percent of the youngest age group of youth had volunteered for the Hitler Youth, it would be necessary to draft the remaining 3 percent by a youth draft.

DR. SAUTER: In this connection, Mr. President, may I refer to two documents of the document book Schirach. That is Number Schirach-51.

THE PRESIDENT: I did not quite understand what the defendant said. He said that the membership was voluntary until 1936, that the HJ Law was then passed, and something to the effect that the execution of the law was not published until 1939. Was that what he said?

DR. SAUTER: Yes, that is correct. Until 1936—if I may explain that, Mr. President—membership in the Hitler Youth was absolutely voluntary. Then in 1936 the HJ Law was issued, which provided that boys and girls had to belong to the Hitler Youth. But the stipulations for its execution were issued by the defendant only in 1939 so that, in practice, until 1939 the membership was nevertheless on a voluntary basis.

THE PRESIDENT: Is that right, Defendant?

VON SCHIRACH: Yes, that is right.

DR. SAUTER: And these facts which I have just presented, Mr. President, can also be seen from two documents of the document book Schirach, Number Schirach-51, on Page 91, and Number Schirach-52 on Page 92. In the latter document...

THE PRESIDENT: Very well, Dr. Sauter, I accept it from you and from the defendant. I only wanted to understand it. You can go on.

DR. SAUTER: And in the second document mention is also made of the 97 percent which the defendant has said had voluntarily joined the HJ, so that now there were only 3 percent missing. May I continue:

[Turning to the witness.] Witness, what was the attitude of the parents of the children on the question of whether the children should join the HJ or not? What did the parents say?

VON SCHIRACH: There were, of course, parents who did not like to have their children join the HJ. Whenever I made one of my radio speeches to the parents or to the youth, many hundreds of parents sent me letters. Among these letters, there were many in which the parents voiced their objections to the HJ, or expressed their dislike for it. I always considered that a special proof of the confidence which the parents had in me. I should like to say here that never, when parents restrained their children from joining, have I exerted any compulsion or put them under pressure of any kind. In doing that I would have lost all the confidence placed in me by the parents of Germany. That confidence was the basis of my entire educational work.

I believe that on this occasion I have to say also that the concept that any youth organization can be established and carried on, and successfully carried on, by coercing youth, is absolutely false.

DR. SAUTER: Witness, did youngsters who did not join the Hitler Youth suffer any disadvantage for that reason?

VON SCHIRACH: Youngsters who did not join the Hitler Youth were at a disadvantage in that they could not take part in our camping, in our trips, in our sporting meets. They were in a certain sense outsiders of the youth life, and there was a danger that they might become hypochondriacs.

DR. SAUTER: But were there not certain professions in which membership in the HJ was a prerequisite for working in those professions?

VON SCHIRACH: Of course.

DR. SAUTER: What were the professions?

VON SCHIRACH: For instance, the profession of teacher. It is quite clear that a teacher cannot educate youth unless he himself knows the life of that youth, and so we demanded that the young teachers, that is those in training to teach, had to go through the HJ. The junior teacher had to be familiar with the ways of life of the pupils who were under his supervision.

DR. SAUTER: But there were only a few such professions, whereas for other professions membership in the HJ was not a prerequisite for admission. Or what was the situation?

VON SCHIRACH: I cannot answer that in detail. I believe that a discussion about that is not even possible, because the entire youth was in the Hitler Youth.

DR. SAUTER: Witness, you know that the Prosecution has also accused the defendants of having advocated the Führer Principle. Therefore, I ask you:

Was the Führer Principle also valid in the HJ, and in what form was it carried out in the HJ? I should like to remind you that I mean that kind of Führer Principle of which we have heard in the testimony.

VON SCHIRACH: Of course, the HJ was built up on the Führer Principle; only the entire form of leadership of youth differed basically from that of other National Socialist organizations. For instance, we had the custom in youth leadership of discussing frankly all questions of interest to us. There were lively debates at our district leader meetings. I myself educated my assistants even in a spirit of contradiction. Of course, once we had debated a measure and I had then given an order or a directive, that ended the debate. The youth leaders—that is the young boy and girl leaders—through years of working together and in serving the common purpose, had become a unity of many thousands. They had become friends. It is evident that in a group of that kind the carrying out of orders and directives takes place in ways entirely different from those in a military organization or in any other political organization.

DR. SAUTER: Witness . . .

VON SCHIRACH: May I add something?

Leadership based on natural authority such as we had in the youth organization is something which is not alien to youth at all. Such leadership in the youth organization never degenerated into dictatorship.

DR. SAUTER: Witness, you have been accused of training the youth in a military way, and in that connection, the fact has been pointed out that your HJ wore a uniform. Is that correct, and why did the HJ wear a uniform?

VON SCHIRACH: I have stated my opinion about that in many instances. I believe there are also documents to illustrate it. I have always described the uniform of the HJ as the dress of comradeship. The uniform was the symbol of a community without class distinctions. The worker's boy wore the same garb as the son of the university professor. The girl from the wealthy family wore the same garb as the child of the day laborer. Hence the uniform. This uniform did not have any military significance whatsoever.

DR. SAUTER: In that connection, Mr. President, may I ask you to take judicial notice of Document Number Schirach-55 of the document book Schirach, then of Numbers Schirach-55a and 117, where the Defendant Von Schirach, many years ago, expressed in writing and repeatedly the same trends of thought which he is expressing today.

I should only like to ask, Mr. President, for permission to correct an error in Document 55, on Page 98. Rather far down, under the heading "Page 77," is a quotation from a book by Schirach. There it says:

"Even the son of the millionaire has no other power . . ."

I do not know whether you have found the passage. It is on Page 77 of the book quoted, and Page 98 of the document book, Number Schirach-55. There is a quotation near the bottom of the page:

"Even the son of the millionaire has no other power . . ." It should read "dress," not "power." The German word "Macht" is an error, and should be the word "Tracht."

So I ask now to have the word "Macht" (power), changed to the word "Tracht" (dress).

Witness, I shall then continue with the interrogation. You have been accused of having prepared youth for the war, psychologically and pedagogically. You are alleged to have participated in a conspiracy for that purpose, a conspiracy by which the National Socialist movement acquired total power in Germany, and finally planned and carried out aggressive wars. What can you say about that?

VON SCHIRACH: I did not participate in any conspiracy. I cannot consider it participation in a conspiracy if I joined the National Socialist Party. The program of that party had been approved; it had been published. The Party was authorized to take part in elections. Hitler had not said—neither he nor any of his collaborators—"I want to assume power by a *coup d'état.*" Again and again he stated in public, not only once but a hundred times: "I want to overcome this parliamentary system by legal means, because it is leading us, year by year, deeper into misery." And I myself as the

youngest deputy of the Reichstag of the Republic told my 60,000 constituents similar things in electoral campaigns.

There was nothing there which could prove the fact of a conspiracy, nothing which was discussed behind closed doors. What we wanted we acknowledged frankly before the nation, and so far as printed paper is read around the globe, everyone abroad could have been informed also about our aims and purposes.

As far as preparation for war is concerned, I must state that I did not take part in any conferences or issuing of orders which would indicate preparation for an aggressive war. I believe that can be seen from the proceedings in this Court up to now.

I can state only that I did not participate in a conspiracy. I do not believe either that there was a conspiracy; the thought of conspiracy is in contradiction to the idea of dictatorship. A dictatorship does not conspire; a dictatorship commands.

DR. SAUTER: Witness, what did the leadership of the Hitler Youth do to prepare the youth for war and to train it for war-like purposes?

VON SCHIRACH: Before I answer that question, I believe I will have to explain briefly the difference between military and premilitary training.

Military training, in my opinion, is all training with weapons of war, and all training which is conducted by military personnel, that is, by officers, with and without weapons of war. Premilitary education—premilitary training is, in the widest sense, all training which comes before the time of military service; in particular cases it is a special preparation for military service. We, in the Hitler Youth, were opponents of any military drills for youth. We disliked such drills as not youthful. I am not giving my personal opinion here, but the opinion of thousands of my co-workers.

It is a fact that I rejected the Wehrjugend (the Youth Defense Groups), which had formerly existed in Germany, and did not allow any continuation of Wehrjugend work within the HJ. I had always been strongly opposed to any soldier-playing in a youth organization. With all my high esteem for the profession of an officer, I still do not consider an officer capable of leading youth because in some way or other, he will always apply the tone of the drill field and the forms of military leadership to youth.

That is the reason why I did not have any officers as my assistants in the Hitler Youth. Just on account of my refusal to use officers as youth leaders, I was severely criticized by the Wehrmacht on occasion. I should like to stress that that did not come from the OKW; Field Marhal Keitel, especially, had a great deal of understanding for my ideas. However, in the Wehrmacht, now and again,

criticism was heard on account of the general attitude of opposition of the Youth Leadership corps toward having officers used as leaders of a youth organization. The principle of "youth leading youth" was never broken in Germany.

If I am now to answer definitively the question of whether the youth was prepared for the war and whether it was trained in a military sense, I shall have to say, in conclusion, that the main efforts of all youth work in Germany culminated in trade competition, in the trade schools, in camping, and competition in sports. Physical training, which perhaps in some way could be considered a preparation for military service, took only a very small part of our time.

I should like to give as an example here: A Gebiet, or district, of the Hitler Youth, for instance the Gebiet of Hessen-Nassau which is about the same as a Gau in the Party, contributed from its funds in 1939 as follows: For hikes and camping, 9/20; for cultural work, 3/20; for sports and physical training, 3/20; for the Land Service (Landdienst), and other tasks and for the offices, 5/20.

The same area spent, in 1944—that is, 1 year before the end of the war—for cultural work, 4/20; for sports and defense training, 5/20; for Landdienst and other tasks, 6/20; and for the evacuation of children to the country, 5/20.

In that connection I should like to mention briefly that the same area, in the time from 1936 until 1943, made no expenditures for racial-political education; in 1944 there was an entry of 20 marks under the heading of racial-political education for the acquisition of a picture book about hereditary and venereal diseases. However, in that same district, in one single town, during the same time, 200,000 marks were given to have youth visit the theaters.

The question concerning premilitary or military education cannot be answered by me without describing small-caliber shooting practice. Small-caliber firing was a sport among the German youth. It was practiced on the lines laid down in the international rules for sport shooting. Small-caliber shooting, according to Article 177 of the Treaty of Versailles, was not prohibited. It states expressly in that article of the treaty that rifle clubs, sporting, and hiking organizations are forbidden to train their members in the handling and use of war weapons. The small-caliber rifle, however, is not a war weapon. For our sport shooting we used a rifle similar to the American 22-caliber. It was used with the 22-caliber Flobert cartridge for short or long distance.

I should like to say here that our entire marksmanship training and other so-called premilitary training have been collected in a manual entitled "HJ Service." That book was printed and sold not only in Germany but was also available abroad.

The British Board of Education in 1938 passed judgment on that book, in the educational pamphlet, Number 109. With the permission of the Tribunal, I should like to quote briefly what was said about it in this educational pamphlet. I quote in English:

"It cannot fairly be said to be in essence a more militaristic work than any thoroughgoing, exhaustive, and comprehensive manual of Boy Scout training would be. Some forty pages are, to be sure, devoted to the theory and practice of shooting small-bore rifle and air gun, but there is nothing in them to which exception can reasonably be taken, and the worst that one can say of them is that they may be confidently recommended to the notice of any Boy Scout wishing to qualify for his marksmanship badge."

As to the mental attitude of the Hitler Youth, I can only say that it was definitely not militaristic.

DR. SAUTER: We will perhaps come back to that later with another question. You say the Hitler Youth had been trained with Flobert rifles, or small-caliber rifles, as they are also called. Was the Hitler Youth also trained with infantry rifles, or even machine guns or machine pistols?

VON SCHIRACH: Certainly not.

DR. SAUTER: Not at all?

VON SCHIRACH: Not a single German boy, until the war, had been trained with a war weapon, a military weapon, be it an infantry rifle, machine gun, or infantry gun; nor with hand grenades in any form.

DR. SAUTER: Mr. President, in the document book Schirach are several documents which will show that the attitude of the Defendant Von Schirach concerning the question of military or premilitary education of the Hitler Youth was exactly the same as he has stated it today, particularly, that he expressed himself against any military drill, barracks language, and all such things.

These are mainly documents in the document book Schirach: 55, then 122, 123, 127, 127a, 128, and 131. I ask you to take judicial notice of these documents. They contain, on the whole, the same statements which Herr Schirach has made briefly already.

Herr Von Schirach, in connection with the so-called military training of the youth, I should like to know what influence the SA had on the training of youth?

VON SCHIRACH: None at all. The SA tried to have an influence on the education and training of youth.

DR. SAUTER: In what way?

VON SCHIRACH: It was in January of 1939. At that time I was in Dresden, where I arranged a performance which presented modern gymnastics for girls. I still remember it distinctly. While I was there, a newspaper was shown to me which carried a decree by Hitler, according to which the two oldest age groups of the Hitler Youth were to receive premilitary training from the SA. I protested against that at once and after my return to Berlin I succeeded not in having the decree withdrawn for that could not be done for reasons of prestige since Hitler's name was on it—but invalidated as far as the youth were concerned.

DR. SAUTER: Mr. President, that incident is contained in a document in the document book Schirach, Number Schirach-132. That is a statement from *Das Archiv,* a semiofficial news periodical. I should like to refer to that as evidence; and in regard to the question of training in shooting I should like to ask the defendant one more question.

What part of the entire training did the shooting practice have in the HJ? Was it a very essential part or the essential part?

VON SCHIRACH: Unfortunately, I do not have the documentary material here which would enable me to answer that exactly. But at any rate, it was not an essential part of the training in the HJ.

DR. SAUTER: Did that marksmanship training go any further, according to your experiences and observations, than the marksmanship training of youth in other nations?

VON SCHIRACH: The marksmanship training of youth in other nations went much further, much beyond that which we had in Germany.

DR. SAUTER: Do you know that from your own observation?

VON SCHIRACH: I know that from many of my assistants who constantly made a detailed study of the training in other countries, and I know about it from my own observation.

THE PRESIDENT: Do you think that is relevant, the fact that other nations trained in marksmanship? I am not sure it is true either, but anyhow, it is not relevant.

DR. SAUTER: Then I come to another question, Witness. The Prosecution have asserted and I quote:

> "... that thousands of boys were trained militarily by the HJ in the work of the Navy, of the naval aviation and of the armored troops, and that over seven thousand teachers trained over a million Hitler Youth in rifle marksmanship."

That is the citation of the Prosecution referring to some meeting of the year 1938. I should like to have you state your position with

regard to the question here, the question of the special units of the Hitler Youth.

VON SCHIRACH: The Prosecution refers, if I am not mistaken, to a speech which Hitler made. How Hitler arrived at the figures concerning training, I cannot say. Concerning training in the special units I can only say, and prove with documents, the following:

In the year 1938 the motorized Hitler Youth—that is that special unit of our youth organization which the Prosecution think received preliminary training in the tank branch—in 1938 the motorized Hitler Youth had 328 vehicles of their own.

DR. SAUTER: In all Germany?

VON SCHIRACH: In all Germany. There were 3,270 private cars of their family members which, of course, were at their disposal for their work; and 2,000 cars of the NSKK (National Socialist Motor Corps). In the year 1938 21,000 youth got their driving licenses. I believe, but I cannot be sure about it, that that is twice the number of youngsters that received a driving license in 1937—that is, the driving license for a passenger car. These figures alone show that the motorized Hitler Youth did not receive preliminary training for our armored forces. The motorized Hitler Youth had motorcycles; they made cross-country trips. That is correct. What they learned in this way was, of course, useful for the Army too, when these boys later were drafted into the motorized units; but it was not true that the boy who had been in the motorized Hitler Youth went to the Army. There was no compulsion in that respect at all. The motorized Hitler Youth was not created upon the request of the Wehrmacht, but it was already created in the fighting years—long before the seizure of power, simply from the natural desire of the boys who owned a motorcycle and wanted to drive it. So we formed our motorized HJ; we used these boys as messengers between tent camps and we used them as drivers for our minor leaders, and later, in order to give them a regular training, especially knowledge of motors, of engines, we made an arrangement with the NSKK, which had motor schools and could train the boys.

Other units were created in the same way. The Flieger HJ, for example, never had any airplaines. We had only gliders. The entire Hitler Youth had but one airplane and that was my own, a small Klemm machine. Aside from that, the Hitler Youth had only model airplanes and gliders. The Hitler Youth not only taught their own members the use of gliders in the Rhön Hills and elsewhere, but also thousands of youth from England and other countries. We had glider camps where young Englishmen were our guests and we even had camps in England.

DR. SAUTER: The Navy HJ, did they perhaps have warships?

VON SCHIRACH: The Navy HJ, of course, had not a single warship, but from time to time our former Commander-in-Chief of the Navy, Raeder, kindly gave us an old cutter and with that we put to sea.

The boys, for instance, who lived in a city like Berlin, near the Wannsee, and did some rowing, became members of the Navy HJ. When entering the Wehrmacht they did not, just because they had been in the Navy HJ, go into the Navy, but just as many went afterwards into the Army or the Air Force, and it was the same with other special units.

DR. SAUTER: Witness, you say therefore that in your opinion the Hitler Youth was not educated in a military way for the war?

VON SCHIRACH: I should like to be quite precise about that. The training in these special units was carried out in such a manner that it really had a premilitary value. That is to say that whatever the boy learned in the Navy Hitler Jugend, regardless of whether he wanted to use it only as a sportsman later, or whether he actually went into the Navy, the basic principles were valuable as premilitary education. If one considers these special units of the HJ, one can establish that here a premilitary education actually took place, but not a military training. The youth were not prepared for the war in any place in the HJ; they were not even prepared for the military service, because the youth did not go direct from the Hitler Youth into the Army. From the Hitler Youth they went into the Labor Service.

DR. SAUTER: And how long were they in the Labor Service?

VON SCHIRACH: Half a year.

DR. SAUTER: And only then did they get to the Wehrmacht?

VON SCHIRACH: Yes.

DR. SAUTER: In that connection, however, the Prosecution has used an agreement which was made between the HJ leadership and the OKW in August 1939, and which has been submitted as Document 2398-PS by the Prosecution. What are the facts about that agreement between you and the OKW?

VON SCHIRACH: I cannot remember any details. Between Field Marshal Keitel and myself, according to my recollection, there was no discussion concerning that agreement, but I believe we arranged that by correspondence. And I should just like to state that during the entire time from 1933 to 1945, only one or two conversations of about half an hour took place between Field Marshal Keitel and me. The agreement, however, resulted from the following considerations: We endeavored in the Hitler Youth,

and it was also the endeavor of the leading men in the Wehrmacht, to take nothing into our training which belonged to the later military training. However, in the course of time, the objection was raised on the part of the military, that youth should not learn anything in its training which later would have to be corrected in the Wehrmacht. I am thinking, for instance, of the compass. The Army used the infantry compass; the Hitler Youth, in cross-country sports, used compasses of various kinds. It was, of course, quite senseless that youth leaders should train their boys, for instance, to march according to the Bèzar compass if later, in their training as recruits, the boys had to learn something different. The designation and the description of the terrain should also be given according to the same principles in the Hitler Youth as in the Army, and so this agreement was made by which, I believe, thirty or sixty thousand HJ leaders were trained in cross-country sports. In these cross-country sports no training with war weapons was practiced.

DR. SAUTER: Mr. President, now I come to another chapter. It may be that this is the best time to adjourn.

THE PRESIDENT: The Tribunal will now adjourn.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

[The Defendant Von Schirach resumed the stand.]

DR. SAUTER: Witness, before the adjournment we spoke about the question of the military or premilitary education of the youth. And now I come to a similar chapter; that is the question of whether you, as Youth Leader, in your articles, speeches, and orders did in any way attempt to influence young people psychologically towards an aggressive war in order to make them war-minded by such means.

VON SCHIRACH: No, never in my speeches to German youth, or in anything which I laid down for youth in the way of orders and directives, did I prepare German youth for war; nor have I ever, even in the smallest circle of my collaborators, expressed myself in such terms. All my speeches are contained in the collection *Das Archiv,* at least their essential contents. A considerable part of my speeches is collected also in a book *Revolution der Erziehung (The Revolution in Education),* which has been submitted to the Tribunal.

All this evidence shows that I never spoke to the youth of the country in that sense; it would have been in direct contradiction to all my aims of co-operation with the youth of other nations.

DR. SAUTER: Mr. President, perhaps I may draw your attention in this connection to the document which is in the Schirach document book under Number Schirach-125, I repeat 125—and also 126, where Schirach expresses his opinion about the question of preserving peace and rejecting war. I ask the Tribunal to take judicial notice of these documents as evidence.

Witness, you have just spoken of co-operation between your Reich Youth Leadership Office and the German Hitler Youth with the youth of other nations. Could you give us a more detailed statement on that, in particular which youth associations of other nations you co-operated with, which you attempted to approach, and in which way and to what degree?

VON SCHIRACH: Starting in 1933, and in an increasing degree year by year, I made efforts to bring about exchange camps with youth organizations in other countries. Here in Germany these groups of English youth, French youth, Belgian youth, and the youth of many other countries, particularly, of course, from Italy, often came as our guests. I remember that in one year alone, I think in 1936, there were approximately 200,000 foreign youths who stayed overnight in our youth hostels.

Perhaps it is important in this connection to say that the youth hostel system, which I took over in 1933, was developed by me and

finally formed a part of an international youth hostel system, the president of which was sometimes a German, sometimes an Englishman. An international youth hostel agreement made it possible that youngsters of our nations could stay overnight in youth hostels of the guest nations.

I myself took great pains to bring about an understanding with the youth of France. I must say that this was a pet idea of mine. I think that my former assistants will remember just how intensely I worked towards the realization of that idea. I had my leaders' periodical appear in the French language; I do not know whether more than once, but certainly at least once, so that the understanding between the French and the German youth could be strengthened thereby.

I went to Paris and I invited the children of one thousand veterans of the first World War to come to Germany. I very often had young French guests as visitors in Germany. But over and above this understanding with France, which eventually also led to difficulties between the Führer and myself, I co-operated with many, many other organizations.

Perhaps I may add that German-French co-operation, as far as youth was concerned, was supported particularly by Ambassador Poncet in Berlin, Premier Chautemps, and other French personalities who wrote in my leadership periodical on that particular subject. I exchanged views with youth leaders all over the world, and I myself undertook long journeys to visit youth organizations in other countries and establish contact with them. The war terminated that work. I do not want to omit mentioning here that for one whole year I put the entire youth program under the slogan "Understanding," and that in all my speeches before the youth I tried to direct and educate it toward a better understanding of other nations.

DR. SAUTER: Is it true that, for instance, even during the last years before the war, I think even in the winter of 1937-1938 and again 1938-1939, you received large delegations of English youth in skiing camps of the Hitler Youth and that vice versa also during those years considerable delegations of Hitler Youth leaders and Hitler Youth members were sent to England so that the people could get to know and understand each other?

VON SCHIRACH: Yes, that is correct. There were innumerable encampments of foreign youth in Germany and very many camps of German youth abroad, and I myself often visited such camps or received delegations from them.

I would like to add that as late as 1942 I made an attempt to co-operate with the youth of France. At that time the difficulty lay

in Mussolini's attitude. I went to Rome and, through Count Ciano's intervention, had a long conversation with Mussolini and succeeded in having him withdraw his objections to having our youth invite all French groups to come to Germany.

Unfortunately, when I reported this result to our Foreign Minister, Hitler turned it down. At any rate, that is what Herr Von Ribbentrop said.

DR. SAUTER: From an article in the paper *Das Archiv* of 1938 I gather, for instance, that during that year you invited among others, 1,000 children of French war veterans to come into the Hitler Youth camps in Germany and into the German-French youth skiing camps. Is that correct?

VON SCHIRACH: Yes, I have already told you that.

DR. SAUTER: Another article shows me that, for instance, I believe in 1939, you had a special memorial erected, I think in the Black Forest, when some members of an English youth delegation were accidentally killed there during games.

VON SCHIRACH: Yes.

DR. SAUTER: Mr. President, the defendant had mentioned earlier that near Berlin he erected a special house for these purposes under the name "The Foreign House of the Hitler Youth." May I present to the Tribunal in the original, pictures of this "Foreign House," as Document Number Schirach-120; and may I ask the Tribunal to look at these pictures, because in them . . .

THE PRESIDENT: We are quite prepared to take it from you without looking at the house. The particular style of architecture will not affect us.

DR. SAUTER: Yes, but if you will not look at the pictures, then you will not know how the house was furnished; and you will not see that in the house, for instance, there was not a single swastika, not a single picture of Hitler, or any such things. That, again shows considerations for the views of the foreign guests.

In this connection, Mr. President, may I also ask you to take judicial notice of a number of documents, all of which refer to the efforts of the Defendant Von Schirach to bring about an understanding between German youth and the youth of other nations. These are the documents in Schirach's document book which have the Numbers Schirach-99 up to and including Schirach-107, then Documents Schirach-108 through 113, and also Documents Schirach-114 up to and including 116, and then Documents Schirach-117, 119, and 120. All these documents refer to the same subject.

Witness, when you invited such delegations from foreign youth organizations to Germany, was anything concerning German

institutions and organizations, particularly with reference to the Hitler Youth, ever kept secret from these delegations, or how was that?

VON SCHIRACH: No, as a matter of principle, foreign youth leaders who wished to get to know our institutions were shown everything without any reservations whatever. There was, in fact, no institution of German youth in the past which was not shown to our foreign guests. Also the so-called premilitary education was demonstrated to them in every detail.

DR. SAUTER: And then in 1939 the second World War broke out. During the last months before that happened, did you seriously expect a war; or with what did you occupy yourself at the time?

VON SCHIRACH: I was firmly convinced that Hitler would not allow a war to break out. It was my opinion that he was in no way deceived about the fact that the Western Powers were firmly resolved to be serious. Until the day when war broke out, I firmly believed that the war could be avoided.

DR. SAUTER: Did you discuss with military leaders or political personalities at that time the danger of war and the prospects of maintaining the peace?

VON SCHIRACH: No; in fact, I want to say something here and now about my discussions with military personalities.

I have already stated that over a period of 12 years—that is from 1933 to 1944 or 1945; that is, 13 years—I had perhaps one or possibly two half-hour conversations with Field Marshal Keitel. I remember that one of them dealt entirely with a personal matter.

During the same period I had, I think, only one single discussion with Admiral Raeder, and Admiral Dönitz I met for the first time here in Nuremberg.

I never had any official discussions with Generaloberst Jodl at all, and I talked to the late Field Marshal Von Blomberg, if I remember rightly, possibly twice for half an hour. I had no official discussions at all with the former Supreme Commander of the Army, Von Fritsch. I was his guest on one occasion only, when he was running skiing competitions for the army, and he kindly invited me because he knew that I was interested in skiing.

With his successor, Von Brauchitsch, I had a general chat on questions of education when I talked before the youth of Königsberg in 1933. Later, I believe, I visited him once on official business; and we discussed a question which was of no particular importance for the education of youth. It was some technical matter.

These are the discussions which I have had with military personalities. In fact, altogether I must say that I did not have time for conferences. I led an organization comprising 8 million people; and

my duties in that organization were such that I did not possibly have the time to participate in conferences and discussions in Berlin regarding the situation, even if I had been admitted to them, which was not the case.

DR. SAUTER: Witness, from 1932 you were a Reichsleiter. That means that you belonged to the highest level of leaders in the Party. Were you not, in that capacity as Reichsleiter, informed by Hitler, his deputy, or other political personalities about the political situation?

VON SCHIRACH: I think that Hitler invited the Reichs- and Gauleiter, on an average, twice a year to a conference, during which he retrospectively discussed political events. Never at any time did Hitler discuss before these men operations of the future, whether of a political or military nature.

DR. SAUTER: Then, if I understand your answer correctly, you were always surprised by these foreign developments.

VON SCHIRACH: Yes.

DR. SAUTER: Does the same apply to the question of the Austrian Anschluss?

VON SCHIRACH: Yes. I heard of the Anschluss of Austria, which of course I hailed enthusiastically, through the radio, if I remember rightly, during a trip by car from my Academy at Brunswick to Berlin. I continued my journey to Berlin, boarded a train at once, and arrived the following morning in Vienna. There I greeted the young people: youth leaders, some of whom had been in prisons or in a concentration camp at Wöllersdorf for a long time, and also many women youth leaders, who had also experienced great hardships.

DR. SAUTER: And what about the march into Czechoslovakia?

VON SCHIRACH: Like every other German citizen, I heard of that through the radio, and did not learn any more than any other citizen learned from the radio.

DR. SAUTER: Were you, in any capacity, a participant in the negotiations regarding the Munich Pact with Chamberlain and Daladier in 1938?

VON SCHIRACH: No.

DR. SAUTER: And what was your opinion?

VON SCHIRACH: I regarded that agreement as the basis for peace, and it was my firm conviction that Hitler would keep that agreement.

DR. SAUTER: Did you know anything about the negotiations with Poland in 1939?

VON SCHIRACH: No, I heard about the negotiations which led to the war, only here in this courtroom. I was merely acquainted with that version of the negotiations which was officially announced through the radio or by the Ministry of Propaganda; and I know no more, therefore, than what every other German citizen knows. The version which Hitler announced before the Reichstag was considered by me to be absolutely true; and I never doubted it, or at least I did not doubt it until about 1943, and all I have heard about it here is new to me.

DR. SAUTER: Witness, the Prosecution, among other things, have made the accusation against you that in your book, *Die Hitlerjugend—Idee und Gestalt (Hitler Youth—Idea and Form)*—which, Mr. President, is Number 1458-PS—you used the expression "Lebensraum" (living space) and "Ostraum" (eastern space) and that by doing so you welcomed or considered as a necessity German conquests in the East, that is, at the expense of Soviet Russia and Poland.

What do you have to say about that?

VON SCHIRACH: In this book of mine, *Die Hitlerjugend—Idee und Gestalt,* the word "Lebensraum" (living space) is not used at all to my knowledge. Only the word "Ostraum" (eastern space) is used, and I think it is in connection with a press service in the East. In a footnote, in connection with a description of the tasks of the Colonial Advisory Board in the Reich Youth Leadership, there is a statement to the effect that, as a result of the activities of this Colonial Advisory Board the necessity of drawing the attention of youth to the exploitation of the eastern territory—and by that is meant the thinly populated eastern area of Germany—should not be overlooked.

That was at a time when we in the youth organizations were particularly concerned with the problem of the "flight from the land," that is to say, the migration of the second or third sons of farmers to the cities. I formed a special movement of youth to combat that trend, the Rural Service, which had the task of stopping this flow of youth from the country to the towns and also of bringing home to youth in towns the challenge of the country.

Of course I never thought of a conquest of Russian territory because ever since I occupied myself with history it was always my point of view politically that the policy regarding mutual security with Russia, which broke off with Bismarck's dismissal, should be resumed. I considered the attack against the Soviet Union as the suicide of the German nation.

DR. SAUTER: Witness, did you, as the Youth Leader of the German Reich, have the right to report to Hitler directly?

VON SCHIRACH: Yes, that is true; but this right to make reports was more or less only on paper. To picture that precisely, before the seizure of power I frequently reported to Hitler in person. In 1932 he quite often announced his intention to dine with me in the evening, but it is clear that in the presence of my wife and other guests political questions were not discussed, particularly not the questions which fell into my special sphere. Only now and then, perhaps, could I touch upon a subject which interested me in connection with education.

In 1933, as far as I can remember, I reported twice to him personally, once regarding the financing of the youth movement, and the second time in connection with the Party Rally of 1933. During the following years my reports averaged one or two a year whereby I was treated in the same way as most people who reported to Hitler. Of the 15 odd points on which I wanted to report to him, I managed to deal with 3 or 4, and the others had to be dropped because he interrupted me and very explicitly elaborated on the things which interested him most.

I then tried to help myself by taking along models of youth buildings, views of the big stadiums and of youth hostels, which I had set up in a hall in the Reich Chancellery, and when he looked at them I used the opportunity to put two or three questions to him.

I must state here—I think I owe it to German youth—that Hitler took very little interest in educational questions. As far as education was concerned, I received next to no suggestions from him. The only time when he did make a real suggestion as far as athletic training was concerned was in 1935, I believe, when he told me that I should see to it that boxing should become more widespread among youth. I did so, but he never attended a youth boxing match. My friend Von Tschammer-Osten, the Reich Sports Leader, and I tried very often to persuade him to go to other sporting events, particularly to skiing contests and ice hockey championships in Garmisch, but apart from the Olympic Games, it was impossible to get him to attend.

DR. SAUTER: You have told us a little earlier about this so-called military or premilitary education, stating that, as far as one could talk about such education at all, it played only a minor part in the training of the Hitler Youth.

May I ask you to tell us, though not at length but only in condensed phrases, what, in your mind, were the chief aims of your youth education program. Be very brief.

VON SCHIRACH: Tent encampments.

DR. SAUTER: Tent encampments?

VON SCHIRACH: Trips, construction of youth hostels and youth homes.

DR. SAUTER: What do you mean by "trips"?

VON SCHIRACH: Youth hikes, individually and in groups; also the construction of more and more youth hostels. In one year alone, more than 1,000 homes and youth hostels were built by me in Germany. Then there was additional professional training, and then what I called the "Labor Olympics," namely, the annual Reich trade contests, voluntary competition between all youth of both sexes who wanted to participate. In fact millions participated. Then our great Reich sports contests, championships in every type of sport, our cultural work, and the development of our singing groups, our acting groups, youth concert choirs, and the development of our youth libraries, and then something which I mentioned in connection with combating the migration from the country, the Rural Service with its rural help groups, those youths, who for idealistic reasons were working in the country, even town boys—to show the farmer boys that the country was really more beautiful than the city, that even a city boy will give up his life in the city temporarily to devote himself to the land and to tilling the soil. Then, as a great communal accomplishment of youth, I must mention the dental improvement and the regular medical examinations.

These, in a few summary words, were the main tasks which our youth organizations had, but they are by no means all.

DR. SAUTER: Mr. President, these ideas, these thoughts, and these aims of the Defendant Von Schirach are contained in a number of documents which are found in the Schirach document book, and which are extracts from his works, speeches, and orders. I am referring to Schirach document book, Numbers Schirach-32 through 39, 44 through 50, 66 through 74(a), 76 through 79, and, finally, 80 through 83.

All these documents deal with the tasks which the Defendant Schirach has just described to you, and I am asking the Tribunal to take judicial notice of the details in these documents.

[Turning to the defendant.] There is only one point of that Hitler Youth program, if I may call it that, with which I would like to deal, because it has been particularly stressed against you in the Indictment. That is your collaboration with the Lawyers' League, that is to say, your occupation with law. In that connection I would like to know why you, the Reich Youth Leader, were interested in legal problems at all. What were you striving for, and what did you achieve? Please, will you tell us that briefly, because it has been emphasized in the Indictment.

VON SCHIRACH: May I remind you that the youth of the state was regarded by me as being a Youth State. In that Youth State all professions and all tasks were represented. My collaboration with the Lawyers' League was due to the necessity of training legal advisers for our working youth whom they could offer the necessary legal protection. I was anxious that those Hitler Youth leaders who were studying law should return to the organization to deal with just such tasks within the organization.

From this type of training a large organization developed within the ranks of youth which was equivalent to the organization of doctors within the youth organization; our medical organization comprised approximately 1,000 doctors, men and women. These legal men assisted the staff, in the districts and other units of our youth organization, putting into practice those demands which I had first enunciated early in our fighting days, before the seizure of power, and which I had championed in the State later on, namely, the demand for free time and paid vacations for the young worker.

This legal work of our youth led to the founding of seminars for Youth Law and Working Youth Law, *et cetera,* attached to the universities at Kiel and Bonn. In particular it had the result that those demands which I voiced in a speech in 1936, before the Committee for Juvenile Law of the Academy for German Law, could be carried through.

DR. SAUTER: Just one moment.

[Turning to the Tribunal.] This is the speech of which excerpts are reproduced, in Schirach document book, Number Schirach-63. It is copied from *Das Archiv* of October 1936.

Herr Von Schirach, perhaps you can tell us very briefly which social demands you, as Reich Youth Leader, made regarding youth. You said earlier, "free time." What did you mean by that?

VON SCHIRACH: In the first place, a shortening of working hours for young people, the abolition of night work for young people, a fundamental prohibition of child labor, extended weekends, and 3 weeks' paid vacation every year.

In 1937 at Liegnitz I noticed that at that time 50 percent of the young workers had no holidays at all and that only 1 percent had 15 to 18 days per annum. In 1938, on the other hand, I had put through the Youth Protection Law which prohibited child labor, raised the age of protection for juveniles from 16 to 18 years, prohibited night work, and realized my demand regarding the extended weekend, at the same time stipulating at least 15 days' vacation annually for youngsters. That was all I could achieve. It was only part of what I wanted to achieve.

DR. SAUTER: These are the demands which are contained in the following documents in the document book: Schirach-40 to 41 and 60 to 64. I ask the Tribunal to take judicial notice of these.

Witness, I now come to another problem, and that is your position within the Party. Some time ago we were shown a chart here giving a clear picture of the organization of the Party. Was that plan correct, or what was your position within the Party?

VON SCHIRACH: My position in the Party was not correctly depicted in that chart, at least not as far as the channels of command are concerned. According to the chart which was exhibited here, the channel of command would have been from the Reich Leader for Youth Education to the Chief of the Party Chancellery, and from there to Hitler and from Hitler to the Reich Youth Leadership Office of the Party. That, of course, is an erroneous picture.

I was not in the Party Directorate to give my orders via the Gauleiter to the district leaders but as the representative and head of the youth movement, so that if you want to describe my position and the position of my organization in the framework of the NSDAP correctly, you would actually have to draw a pyramid, the apex of which, that is to say my position in the Party Directorate, would be above the Reichsleiter. I was the only person in the youth movement who was connected with the Party.

DR. SAUTER: And the other leaders and subleaders of the youth movement?

VON SCHIRACH: Some of them may have been Party members, but not all. At any rate, they were not members of the Gauleitung or Kreisleitung. The entire staff of the youth movement, the entire youth organization, stood alongside the Party as a unit.

DR. SAUTER: Witness, as the Youth Leader of the German Reich, were you a civil servant?

VON SCHIRACH: Yes.

DR. SAUTER: And from 1 December 1936, I believe, you were the chief of a high Reich office?

VON SCHIRACH: I was a civil servant only from 1 December 1936.

DR. SAUTER: With the title?

VON SCHIRACH: Youth Leader of the German Reich.

DR. SAUTER: As the chief of a high Reich office, were you actually independent of the Minister of the Interior and the Minister for Education?

VON SCHIRACH: Yes, that was, after all, the purpose of creating an independent Reich office.

DR. SAUTER: Did you thereby become a member of the Reich Cabinet, as has been claimed?

VON SCHIRACH: I am sure I did not. I heard here for the first time that I was supposed to have been a member of the Cabinet. I never participated in a Cabinet meeting. I never received a decree or anything of the sort which would have made me a member of the Cabinet. I never received invitations to attend Cabinet meetings. I never considered myself a member of the Cabinet, and I believe that the Ministers did not consider me a member either.

DR. SAUTER: Were you in any way informed of the resolutions passed by the Reich Cabinet, for instance, by having the minutes of the meetings sent to you?

VON SCHIRACH: No. Resolutions passed by the Reich Cabinet, insofar as any were passed after 1 December 1936, only came to my attention in the same way as they reached any other higher official or employee of the Reich who read the *Reichsgesetzblatt* or the *Reichsministerialblatt*. Records and minutes were never sent to me.

DR. SAUTER: When you became a high Reich authority, did you receive the staff which you needed through a ministry, or how did you obtain that staff for yourself?

VON SCHIRACH: A few youth leaders who had worked on my staff for a number of years were made civil servants through me. I did not receive a single official from any ministry to deal with matters relating to the youth organization. The entire high Reich office, if I remember correctly, consisted of no more than five officials. It was the smallest of the high Reich offices, something I was particularly proud of. We carried out a very large task with a minimum of personnel.

DR. SAUTER: And now, Witness, I want to come to a subject which is going to be rather extensive and that is the affidavit by Gregor Ziemer, which you have already mentioned. It is a very lengthy affidavit which has been presented by the Prosecution under Document Number 2441-PS.

Witness, what do you have to say in detail with regard to that affidavit? Do you know it? Do you know this man Gregor Ziemer?

VON SCHIRACH: No.

DR. SAUTER: Have you found out who he is and from where he gathered his alleged knowledge?

VON SCHIRACH: I gather from the affidavit that Herr Ziemer before the war was headmaster of the American school in Berlin

and that he has written a book which apparently deals with youth and school education in Germany. This affidavit is an extract from that book.

The affidavit as such, if you regard it in its entirety, has, I believe, more importance as propaganda than as an impartial judgment.

I want to start by quoting something from the very first page, which is the page containing Ziemer's affidavit, and in the last paragraph it says that street fights took place outside the American school between the Jewish children going to this school and the local youngsters. I need not deal with the difficulties which the school itself had, because that was not part of my department. But these street fights took place outside the school, and I think I ought to say something about them. I never heard anything about these clashes, but I should have heard about them under all circumstances, because during most of 1938 I was in Berlin. I should have heard of them first through the youth organization itself, because the senior youth leaders would have been obliged to report to me if such incidents had taken place.

Furthermore, I would have had to hear about it through the Foreign Office, because if youngsters from the American colony had been molested, protests would certainly have gone through the Embassy to the Foreign Office, and these protests would without fail have been passed on to me at once or reported to me by telephone.

I can only imagine that the whole affair is a very gross exaggeration. The American Ambassador Wilson even had breakfast with me—I think in the spring of 1939, and I do not think I am wrong about the date—in Gatow.

DR. SAUTER: In the Foreign House?

VON SCHIRACH: In the Foreign House.

And we discussed a number of subjects privately. I believe that on that occasion or afterwards he would most certainly have mentioned such incidents if they had in reality occurred in the way Herr Ziemer describes them.

DR. SAUTER: I believe I can go over to Page 2, where . . .

THE PRESIDENT: Dr. Sauter, how much of this document has been read by the Prosecution? As far as I know, very little.

DR. SAUTER: I beg your pardon?

THE PRESIDENT: How much of this affidavit has been read and put in evidence by the Prosecution?

DR. SAUTER: I cannot tell you that offhand, Mr. President. But judging by practice, I must assume that if a document is submitted

to the Tribunal, judicial notice of the entire document is taken by the Tribunal.

THE PRESIDENT: That is not so. We have stated over and over again that we take only judicial notice on documents which have been read to the Tribunal, unless they are documents of which full translations have been given. This document was, I suppose, presented in the course of the Prosecution's case, and probably one sentence out of it was read at the time. I do not know how much was read; but you and the defendant ought to know.

MR. DODD: There was only one paragraph read, Mr. President.

THE PRESIDENT: One paragraph?

MR. DODD: One full paragraph and perhaps one short one on Page 21.

THE PRESIDENT: Yes, I have it here.

MR. DODD: I think the Prosecution covered the part having to do with the speech at Heidelberg.

THE PRESIDENT: And that is the only part of it that has been read, and that is, therefore, the only part of it that is in evidence.

VON SCHIRACH: Perhaps for the sake of credibility—and I shall not deal in detail with the accusations contained in that affidavit—I might be allowed to say, with one sole exception, all the annual slogans of the Hitler Youth are reproduced falsely in this affidavit and that Gregor Ziemer nevertheless swears to the correctness of his statement.

THE PRESIDENT: Wouldn't it be the best, if you want to reply to his affidavit, that you should direct the defendant's attention to the part which has been read? Then he can make an answer to that.

DR. SAUTER: Mr. President, in Ziemer's affidavit, which the defendant has told me he regards as a clearly inflammatory piece of writing, the annual slogans are mentioned which are supposed to have been issued by the defendant, that is, the slogans for the work for the following year.

THE PRESIDENT: One passage of this document has been put in. If you want to put in the rest, you are entitled to do so. But I should have thought that it would have been the best way for you to answer the passage which has been put in. The rest of the affidavit is not in evidence.

DR. SAUTER: Mr. President, in that case my client would get the worst end of the bargain, because in other passages which have not been used by the Prosecution . . .

THE PRESIDENT: I said you could use the other passages if you want to.

DR. SAUTER: Certainly, but I want to prove that Herr Ziemer's statements are not correct; that is why I have just been discussing the question of annual slogans with the defendant. This is only one example.

THE PRESIDENT: Dr. Sauter, the defendant is apparently saying that the affidavit is unreliable because of the slogans which are referred to in it. Is that not sufficient for your purpose?

DR. SAUTER: Yes; but I intend to prove that Herr Ziemer's statements are untrue. The defendant maintains that the statements contained in that affidavit are not true. But I am trying to prove to you that, in fact, Herr Ziemer has deliberately stated and sworn to untruths.

THE PRESIDENT: Surely, Dr. Sauter, there being one passage in this affidavit which is in evidence, you can deal very shortly with the question of the credit of the person who made the affidavit.

DR. SAUTER: Witness, this Herr Ziemer, in his affidavit, has made statements regarding the annual slogans . . .

VON SCHIRACH: Yes.

DR. SAUTER: . . . which you issued for the Hitler Youth. How these annual slogans were worded can be easily seen by the Tribunal from the affidavit. I now ask you to tell us how the annual slogans of the Hitler Youth were worded during your time; that is, 1933 to 1940.

VON SCHIRACH: Herr Ziemer mentions the slogan on Page 15 of the English document. Herr Ziemer says that in 1933 the motto for German Youth had been "One Reich, One Nation, One Führer." He probably means "One People, One Reich, One Führer." Actually, the year 1933 was the year of "Unity."

DR. SAUTER: What do you mean by "Unity"?

VON SCHIRACH: The year in which German youth joined ranks in one organization.

DR. SAUTER: I want to skip a few years now and come to the year 1938. What was your slogan for the Hitler Youth in 1938?

VON SCHIRACH: 1938 was the year of "Understanding."

DR. SAUTER: The year of "Understanding"?

VON SCHIRACH: Herr Ziemer says the slogan was "Every Youth a Flyer."

DR. SAUTER: And then in 1939 what was your slogan?

VON SCHIRACH: That was the year of "Duty Towards Health."

DR. SAUTER: The year of "Duty Towards Health"?

VON SCHIRACH: According to Herr Ziemer, it was "Hitler Youth on the March."

DR. SAUTER: And finally 1940, your last year?

VON SCHIRACH: It was the year of "Instruction." But he called it "We March Against England."

But I want to add that the first slogan, "One People, One Reich, One Führer," which Ziemer says was the official slogan of the year 1933 for German youth, arose first in 1938 when Hitler went into Austria. Before that, that slogan did not exist at all. It was never the annual slogan of German youth.

DR. SAUTER: Witness, we must comply with the wish of the Tribunal and not go into the affidavit of Ziemer any further, with the exception of the one point which has been used by the Prosecution in the Indictment against you in connection with the accusation of anti-Semitism. I skip Herr Ziemer's further statements and come to this speech at Heidelberg. Will you tell me first of all, what Ziemer said, and then make your own comments on that.

VON SCHIRACH: Ziemer said that during a meeting of students in Heidelberg—I think either at the end of 1938 or the beginning of 1939—I had made a speech against the Jews in connection with a rally of the National Socialist Student Union. He says that on that occasion I praised the students for the destruction of the Heidelberg Synagogue, and that following that I had the students file past me and gave them decorations and certificates of promotion.

First of all, I have already referred to my activity in the student movement. Upon the request of the Deputy of the Führer, Rudolf Hess, I handed the leadership of the student movement over to him in 1934. He then appointed a Reich student leader; and after that I did not speak at any student meetings.

As far as I can remember, I visited Heidelberg during the summer of 1937; and there I spoke to the youth group. This was 1 or 1½ years before Ziemer's date. And on one occasion I attended a festival play at Heidelberg.

DR. SAUTER: All of this is irrelevant.

VON SCHIRACH: I have no recollection of any meeting of this sort with students, and I have no recollection of ever having publicly stated my views about the Jewish pogrom of 1938. I will state at another point what I said in my capacity as Youth Leader regarding this.

Ziemer says—I am translating from the English text—he says that "the day will come when the students of Heidelberg will take

up their place side by side with the legions of other students to win the world over to the National Socialist ideology."

I have never spoken like that before youth, in public, or even in a small circle. These are not my words; I did not say that. I had no authority whatsoever to confer decorations or certificates, *et cetera,* upon students. Medals of distinction for students did not exist. All decorations were conferred by the head of the State.

I personally had the right to confer the golden youth decoration, and I think it was conferred by me about 230 times in all, almost entirely upon people who earned distinction in the field of education, but not upon unknown students.

DR. SAUTER: Witness, the important point in your testimony is to tell us whether it is correct that the speech made at the end of 1938 before the students at Heidelberg, in which the speaker referred to the wreckage of the synagogues, was not made by you, because at that time you had not had anything to do with the student movement for years. Is that correct?

VON SCHIRACH: I had nothing to do with the student movement, and I do not remember having spoken before such a meeting. I consider it quite out of the question that such a meeting of students took place at all. I did not make those statements.

DR. SAUTER: Have you got the affidavit before you?

VON SCHIRACH: Yes. I cannot find that particular passage at the moment.

DR. SAUTER: It says something which I have translated into German, namely, it mentions the "small, fat student leader." Have you got that passage? Does it not say so?

VON SCHIRACH: Yes, it says so.

DR. SAUTER: Well then, surely "small, fat student leader" cannot be applied to you.

May I, Mr. President, in this connection, draw your attention to an affidavit which appears in Schirach's document book under Number Schirach-3, and which I herewith submit to the Tribunal. It is an affidavit of a certain Hoepken, who, beginning with 1 May 1938, was the female secretary of the Defendant Von Schirach and who, in this affidavit under the Figure 16—which is Page 22 of the document book—mentioning exact details—states under oath that during the time with which we are here concerned the defendant was not at Heidelberg at all.

I do not suppose it is necessary for me to read that part of the affidavit. I am asking the Tribunal to take judicial notice of it.

THE PRESIDENT: I think this would be a good time to break off.

[A recess was taken.]

DR. SAUTER: Witness, you have spoken in another connection about the fact that you did not consider officers suitable as youth leaders. I would be interested to know how many members of the leadership corps of the Hitler Youth in 1939 at the outbreak of the war were reserve officers in the Armed Forces.

VON SCHIRACH: I would judge that the leadership corps of the HJ had about 1,300 leaders. Those were leaders of the Banne, leaders of the districts or regions, and the corresponding staff of assistants. Of these 1,300 youth leaders, 5 to 10 men were reserve officers.

DR. SAUTER: And how many active officers did you have at that time on your staff or in the leadership corps?

VON SCHIRACH: Active officers were not youth leaders and could not be youth leaders.

DR. SAUTER: Why not? Was that contained in the regulations?

VON SCHIRACH: Yes. An officer was not permitted to be a member of the Party or any one of its organs or affiliated organizations.

DR. SAUTER: Who was responsible to you for the physical education and sports programs in the Hitler Youth?

VON SCHIRACH: Obergebietsführer Von Tschammer-Osten, who was also Reich Sports Leader. In the Olympic year he cooperated very closely with me and voluntarily subordinated himself to me in December or November 1936. He was responsible to me for the entire physical education of the boys and girls.

DR. SAUTER: This Herr Von Tschammer-Osten, who was very well known in the international sports world, was he an officer by profession?

VON SCHIRACH: According to my recollection he had been an officer during the first World War. Then he left the Army and was a farmer by profession. Later on he concerned himself only with questions of physical education and sport. One of his brothers was an active officer.

DR. SAUTER: Did Von Tschammer-Osten become an officer during the second World War?

VON SCHIRACH: No, he did not.

DR. SAUTER: Do you remember that? A document has been submitted here by the Soviet Prosecution, namely a report from Lvov, in which it is stated that the Hitler Youth or the Reich Youth Leadership had conducted courses for young people from Poland, and these young people were to be trained as agents, spies,

and parachutists. You have stated today that you take the complete responsibility for the youth leadership. I ask you to tell us something about that.

VON SCHIRACH: We had absolutely no possibilities for espionage training in our youth organization. Whether Heydrich on his part, without my knowledge and without the knowledge of my assistants, had hired youthful agents in Poland and used them within his intelligence service, it is not possible for me to say. I myself did not conduct any espionage training; I had no courses for agents, and courses for training parachutists were out of the question because, after all, I had no air force. Training of that kind could only have been conducted through the Air Force.

DR. SAUTER: Then you, as Reich Youth Leader or, as you were called later, Reich Leader for Youth Education, have never known anything about these things before this Trial? Can you state that under oath?

VON SCHIRACH: That I can state upon my oath. I should like to add that shortly before the war young refugees from Poland came to us in large numbers, but they of course could not return to Poland. The persecution of the Germans in Poland is a historical fact.

DR. SAUTER: Witness, the Prosecution has asserted that in the Hitler Youth a song was sung, "Heute gehört uns Deutschland, und morgen die ganze Welt" (Today Germany belongs to us, tomorrow the whole world); that is the alleged title of that song, and that is supposed to have expressed the will for conquest of the Hitler Youth; is that correct?

VON SCHIRACH: The song says, in the original text which was written by Hans Baumann and is also included in a document here: "Heute da hört uns Deutschland und morgen die ganze Welt" (Germany hears us today and tomorrow the whole world). But it had come to my knowledge also that the song, from time to time, was being sung in the form which has been mentioned here. For that reason I issued a prohibition against singing the song which differed from the original text. I also prohibited, years ago, the song "Siegreich wollen wir Frankreich schlagen" (Victoriously we will conquer France) from being sung by the German Hitler Youth.

DR. SAUTER: You prohibited the last mentioned song entirely?

VON SCHIRACH: Yes.

DR. SAUTER: Out of consideration for your French guests?

VON SCHIRACH: Not out of consideration for guests but because it was contrary to my political conceptions.

DR. SAUTER: Thus, Mr. President, I submit the correct text which I got from a song book. It is Number Schirach-95 of the Schirach document book.

In connection with the question of whether the Hitler Youth intended a premilitary training of youth, I should like to put the following additional questions. Did the physical and sport training of youth apply only to the boys, Herr Von Schirach?

VON SCHIRACH: No. Of course all young people received physical training.

DR. SAUTER: Also the girls?

VON SCHIRACH: Yes.

DR. SAUTER: Is it correct that your efforts directed toward the physical training and physical strengthening of youth also applied to the physically handicapped and to the blind and other young people who from the very outset could not be used for military purposes?

VON SCHIRACH: Very early in our work I included the blind and deaf and the cripples in the Hitler Youth. I had a periodical especially issued for the blind and had books made for them in Braille. I believe that the Hitler Youth was the only organization in Germany which took care of these people, except for special organizations of the NSV (National Socialist Welfare Organization) and so on.

DR. SAUTER: I ask, in connection with that, Mr. President, that you take notice of Document Schirach-27 of the Schirach document book. That is a long article entitled "Admission of Physically Handicapped Young People in the Hitler Youth," where the deaf, dumb, and blind are especially mentioned and their training to enable them to take up a professional occupation.

MR. DODD: I have refrained all day from making any objection, but I think this examination has gone very far afield. We have made no charge against this defendant with respect to the blind, the deaf, the lame, and halt. He keeps going way back to the Boy Scouts and we haven't gotten to any of the relevant issues that are between us and this defendant. At the present rate I fear we will never get through.

THE PRESIDENT: Dr. Sauter, we have listened to this somewhat long account of the training of the Hitler Youth. Don't you think you can go on to something more specific now? We have got a very fair conception, I think, of what the training of the Hitler Youth was; and we have got all these documents before us.

DR. SAUTER: I shall try, Mr. President, to proceed according to your wishes so far as it is at all possible.

Witness, is it correct that you personally intervened with Hitler to prevent the re-establishment of cadet academies as institutions for purely military training?

VON SCHIRACH: Yes, that is correct. I prevented the re-establishment of cadet academies.

DR. SAUTER: I come now to another chapter. The defendant has been accused of wrecking the Protestant and Catholic youth organizations. What can you say in answer to that?

VON SCHIRACH: First, the following: I wanted, as I have already explained, the unification of all our youth. I also wanted to bring the Protestant organizations, which were not very large numerically, and the numerically very large Catholic organizations into the Hitler Youth, particularly because some of the organizations did not limit themselves to religious matters but competed with the Hitler Youth in physical training, hikes, camping, and so on. In this I saw a danger to the idea of unity in German national education, and above all I felt that among young people themselves there was a very strong tendency toward the Hitler Youth. The desertion from the confessional organizations is a fact. There were also many clergymen who were of the opinion that the development should perhaps take the following direction: All youth into the Hitler Youth; the religious care of the youth through clergymen; sports and political work through youth leaders.

In 1933 or 1934—but I think it was as early as 1933—Reich Bishop Müller and the Protestant Bishop Oberheidt approached me on their own initiative and proposed that I incorporate the Protestant youth organizations into the Hitler Youth. Of course I was very happy about that proposal and accepted it. At that time I had no idea that there was opposition to Reich Bishop Müller within the Protestant Church. I found out about that only much later. I believed that I was acting with the authority and in the name of the Evangelical Church, and the other bishop who accompanied him further strengthened this belief of mine. Even today I still believe that with the voluntary incorporation of the Protestant youth into the Youth State, Müller acted in accordance with the will of the majority of the Protestant youth themselves; and in my later activity as Youth Leader I frequently met former leaders from the Protestant youth organizations, who had leading positions with me and worked in my youth organization with great enthusiasm and devotion.

Through that incorporation of Protestant youth—I should like to stress this—spiritual ministration to youth was not limited or hindered in any way; there never was a restriction of church services for youth in Germany, either then or later. Since Protestant

youth had been incorporated on the basis of an agreement between the Church and the Hitler Youth, there was practically only a dispute about youth education between the Catholic Church and the Hitler Youth.

In May or June 1934 I asked personally to participate in the negotiations for the Reich Concordat because I wanted to eliminate entirely the differences between the Catholic Church and the Hitler Youth. I considered an agreement in this field to be very important and in fact I was allowed to participate in these negotiations which took place in June '34 in the Reich Ministry of the Interior under the chairmanship of Reich Minister for the Interior Frick. On the Catholic side Archbishop Gröber and Bishop Berning took part in the negotiations; and at that time I personally proposed a formula for co-operation, which met with the approval of the Catholic side, and I believed that I had found the basis for agreement in this sphere.

The conferences were unfortunately interrupted on the evening of 29 June; and on 30 June '34 we experienced the so-called "Röhm Putsch," and the negotiations were never resumed. That is not my fault, and I bear no responsibility for that. Hitler simply did not want to accept the consequences of the Concordat. I personally desired to conclude that agreement, and I believe that the representatives of the Church saw from these negotiations and from certain later conferences with me that the difficulties did not originate with me. At any rate Bishop Berning came to me, I believe in 1939. We discussed current questions between the youth leadership and the Church. I believe that he also got the impression at that time that it was not I who wanted to make difficulties.

The difficulties arose at that time from the increasingly strong influence of Martin Bormann, who tried to prevent absolutely any kind of agreement between the Party offices and the Church or between the youth leadership and the Church.

In the course of the dispute about the leadership of confessional youth organizations and their incorporation, animated public discussions arose. I myself spoke at various meetings. Statements were issued by the Church also, which according to the state of affairs, were more or less sharp. But I did not make statements inimical to religion in connection with that subject, nor did I at any time during my life.

DR. SAUTER: Witness, is it correct that in 1937 you concluded an agreement with the Church to the effect that the Hitler Youth should, in principle, not be on duty on Sundays during church time, so that the children could attend religious services, and furthermore, that on account of this agreement you ran into considerable difficulties?

VON SCHIRACH: That is correct.

DR. SAUTER: Will you tell us very briefly about that?

VON SCHIRACH: I do not believe one can say that it was an agreement with the Church. If I remember correctly, I issued a decree based on various letters I had received from clergymen—which to a very great extent took into account the wishes expressed in these letters. I then issued that decree and I gather from many affidavits which have been sent by youth leaders to me recently that that decree was very carefully obeyed.

Difficulties arose in the Party Chancellery on account of my attitude. Bormann, of course, was an energetic enemy of such a basic concession to the Church, and Hitler himself—I don't know whether it was in connection with this decree, but, at any rate, in connection with the regulation of the dispute between the youth leadership and the Church—also reprimanded me once.

DR. SAUTER: Witness, I have a small book here, entitled *A Good Year 1944,* with the sub-title "Christmas Gift of the War Welfare Service of Reich Leader Von Schirach." I submit that book as Document Number Schirach-84 to the Tribunal for judicial notice. On Page 55 is a picture of the Madonna. On Page 54 is a Christian poem written by the defendant, with the title "Bavarian Christmas Crib." On the lower half of Page 54 there is the famous "Wessobrunner Prayer," the oldest prayer in the German language, dating from the eighth century.

Witness, is it also correct that on account of the Christian content of that book you had difficulties with Reichsleiter Bormann; and if so, what were they?

VON SCHIRACH: That is correct. I had that Christmas gift made for, I believe, 80,000 to 100,000 soldiers and sent to them at the front as late as 1944. I did not hear anything directly from Bormann, but he suddenly asked for 10 copies of that book; and I was informed by people who were near the Führer in his headquarters that he used that book in some way in order to incite Hitler against me.

I should like to add that at all times of my life, at any rate insofar as I have written poetry, I have expressed myself in the same way as in this poem. Also in the collection of poems, *The Flag of the Persecuted,* which I do not have here unfortunately but which was distributed among the youth in a very large edition, where my revolutionary poems can be found, there are poems of a Christian content which, however, were not reprinted by the Party press in the newspapers and therefore did not become so well-known as my other verses. But I should like to express quite clearly that I was an opponent of confessional youth organizations, and I wish to

make it just as clear that I was not an opponent of the Christian religions.

DR. SAUTER: Not an opponent?

VON SCHIRACH: Of course not.

DR. SAUTER: Did you leave the Church?

VON SCHIRACH: In spite of many hints by Bormann, I never left the Church.

DR. SAUTER: May I, Mr. President, ask the Tribunal to take judicial notice of Documents Schirach-85 to 93, inclusive, of the Schirach document book. All of these are documents from the period when he was Reich Youth Leader and show his attitude toward the Church.

VON SCHIRACH: May I add something to that?

DR. SAUTER: If you please.

VON SCHIRACH: As far as my religious attitude is concerned, I always identified myself with the thoughts expressed in *Wilhelm Meisters Wanderjahre* about religions in general and the importance of the Christian religion in particular. I should like to say here that in my work as an educator I was mistaken in holding the opinion that positive Christianity existed outside of the Church.

However, I never made any anti-Christian statements; and I should like to say here for the first time in public that in the closest circles of the Hitler Youth I have always expressed a very unequivocal belief in the person and teachings of Christ. Before educators of the Adolf Hitler School—a fact which naturally was never allowed to come to the knowledge of the Party Chancellery—I spoke about Christ as the greatest leader in world history and of the commandment to "Love thy neighbor" as a universal idea of our culture. I believe that there are also several testimonials by youth leaders about that in your possession, Mr. Attorney.

DR. SAUTER: Yes, I shall refer to that later. I should like to begin a new chapter now. In 1940 you were dismissed as Reich Youth Leader?

VON SCHIRACH: Yes.

DR. SAUTER: And you were succeeded by Axmann who has already been mentioned. But you remained connected with youth education through what office?

VON SCHIRACH: Through the office of the Reichsleiter of Youth Education.

DR. SAUTER: And in addition to that you received another title, I believe?

VON SCHIRACH: Yes, I became Deputy of the Führer for the Inspection of the Hitler Youth.

DR. SAUTER: Was that only a title, or was that some kind of office?

VON SCHIRACH: That was an office to the extent that the Reichsleiter office was concerned with youth work in the Party sector. The Youth Leader of the German Reich—that was Axmann as my successor—also had a field of activity in the State, and I too became competent for that by my appointment as inspector.

DR. SAUTER: How did your dismissal as Reich Youth Leader come about, and why were you called specifically to Vienna as Gauleiter? What can you tell us about that?

VON SCHIRACH: At the end of the French campaign, in which I participated as an infantryman, I was in Lyon when a wireless message from the Führer's headquarters was received, and the chief of my company told me that I had to report to the Führer's headquarters. I went there at once; and at the Führer's headquarters, which was at that time situated in the Black Forest, I saw the Führer standing in the open speaking to Reich Foreign Minister Von Ribbentrop. I waited a while, maybe a quarter of an hour or 20 minutes, until the conversation had ended and then reported at once to Hitler and there, outside, before the Casino building where later we all had our meal together, he told me the following in about 10 minutes:

I should propose to him a successor for the leadership of the youth. He intended for me to take over the Reich Gau Vienna. I at once suggested my assistant, Axmann, who was not a man who advocated physical or military training but was concerned with social work among the youth, and that was most important to me He accepted this proposal . . .

THE PRESIDENT: Dr. Sauter, we need not go through Axmann's qualifications, need we? Is it material to the Tribunal to know what his successor was like?

DR. SAUTER: Axmann? Axmann was successor as Reich Youth Leader.

THE PRESIDENT: What I was asking you was whether it was material for the Tribunal to know the qualities of Axmann. We have nothing to do with that.

DR. SAUTER: Herr Von Schirach, you can be more brief about that point, can you not?

VON SCHIRACH: Hitler then said that I should keep my job as Reich Leader of Youth Education and that I should assume at the same time the office of the Inspector of Youth and that I should

go to Vienna as the successor to Bürckel. In Vienna, especially in the cultural field, serious difficulties had arisen; and therefore I was to direct my attention to the case of the institutions of culture, particularly of theaters, art galleries, libraries, and so forth; and I was to be especially concerned about the working class. I raised the objection that I could carry out that cultural work only if independent of Goebbels, and Hitler promised at that time that this independence would be fully safeguarded; but he did not keep that promise later.

And lastly he said that he was sending the Jewish population away from Vienna, that he had already informed Himmler or Heydrich—I do not remember exactly what he said—of his intentions, or at least would inform them. Vienna had to become a German city, and in that connection he even spoke of an evacuation of the Czech population.

That concluded that conversation. I received no other instructions for this office, and then we dined together as usual. I took my leave then and went to Berlin to talk to my assistants.

DR. SAUTER: Vienna was considered at that time, if I am correctly informed, the most difficult Gau of the Reich; is that right?

VON SCHIRACH: Vienna was by far the most difficult political problem which we had among the Gaue.

DR. SAUTER: Why?

VON SCHIRACH: Because—I learned the details only from other persons in Berlin, after I had received my mission from Hitler—in Vienna the population had sobered considerably after the first wave of enthusiasm over the Anschluss had subsided. Herr Bürckel, my predecessor, had brought many officials to Vienna from the outside; and the German system of administration, which was in no wise more practicable or efficient than the Austrian, was introduced there. This resulted in a certain over-organization in the administrative field, and Bürckel had started on a Church policy which was more than unsatisfactory. Demonstrations took place under his administration. On one occasion the palace of the archbishop was damaged. Theaters and other places of culture were not taken care of as they should have been. Vienna was experiencing a feeling of great disillusionment. Before I got there I was informed that if one spoke in the streetcars with a North-German accent, the Viennese took an unfriendly attitude.

DR. SAUTER: Witness, what duties did you have or what offices did you hold in Vienna?

VON SCHIRACH: In Vienna I had the office of Reich Governor (Reichsstatthalter), which included two administrations, the municipal administration and the national administration. In addition,

I was Reich Defense Commissioner for Wehrkreis XVII, but only until 1942. In 1942, the Wehrkreis was subdivided, and each Gauleiter of the Wehrkreis became his own Reich Defense Commissioner.

DR. SAUTER: And then you also were Gauleiter?

VON SCHIRACH: Yes, I was also Gauleiter, the highest official of the Party.

DR. SAUTER: In other words, you represented city, state, and Party, all at once—the highest authority of city, state, and Party in Vienna?

VON SCHIRACH: Yes. Now the situation was such in the administration that there was an official representative to take charge of national affairs, namely, the Regierungspräsident; for the municipal administration there was another representative, the mayor; in the Party, the Deputy Gauleiter in Vienna had the title of Gauleiter.

I should not like to belittle my responsibility for the Gau by explaining that, and I want to protect the exceptionally efficient Deputy Gauleiter who was there. I just want to say that in order to clarify my position.

DR. SAUTER: What really was your position as Reich Defense Commissioner, Witness? Was that a military position, or what was it?

VON SCHIRACH: That was not a military position at all. The Reich Defense Commissioner was simply the head of the civil administration, in contrast to the situation prevailing during the first World War, where the head of the civil administration was assigned to and subordinated to the commanding general; in this war the Reich Defense Commissioner was co-ordinate with him, not subordinate.

The tasks of the Reich Defense Commissioner—at least, that is how I saw my tasks—were at certain intervals, to co-ordinate the most pressing problems of food economy, transportation—that is, local and distant transportation, coal supplies, and price regulation for the Gaue of Vienna, Upper Danube, and Lower Danube, all of which belonged to Wehrkreis XVII.

There were several meetings for that purpose—I believe three all together. In 1942 the reorganization which I previously mentioned took place. Bormann carried his point against the Reich Marshal. The Reich Marshal was of the opinion that the Reich Defense Commissioner had to be Defense Commissioner for the entire Wehrkreis. Bormann wanted each Gauleiter to be Defense Commissioner, and so that led to the division. From 1942 on I was only Reich Commissioner for Vienna.

DR. SAUTER: Witness, it seems that a decree was issued at that time—will you please tell me when you were informed about it—namely, a decree by Reichsleiter Bormann, that not more than two Gauleiter could meet.

VON SCHIRACH: That is not a decree by Bormann; that was an order by Hitler.

DR. SAUTER: What were its salient points?

VON SCHIRACH: I must explain that briefly. Because of the fact that the Reich Commissariat was subdivided, I had to meet from time to time with the Reichsstatthalter of other provinces in order to discuss the most important questions, especially concerning our food economy. However, I believe it was in 1943, Dr. Ley came to me in Vienna and brought me an official order from the Führer, according to which it was considered illegal—that was the way he expressed it—for more than two Gauleiter to meet for a conference

At that time I looked at Dr. Ley speechless; and he said:

"Yes, that does not concern you alone. There is still another Gauleiter who has called a conference of more than two, and that fact alone is already considered as virtual mutiny or conspiracy."

DR. SAUTER: Witness, when you were in Vienna, were you given a further mission which took up much of your time? Please tell us briefly about that.

VON SCHIRACH: I had just started to work in Vienna when, in October 1940, I received an order to appear at the Reich Chancellery.

DR. SAUTER: Will you please be very brief.

VON SCHIRACH: And there Hitler personally gave me the mission of carrying out the evacuation of all German youth from areas endangered by aerial attack, and simultaneously to carry out the evacuation of mothers and infants; and he said that that should begin in Berlin and then gradually take in the entire Reich. He said that education was of secondary importance now; the main thing was to maintain the nervous energy of the youth and to preserve life. However, I asked at once that I be given the possibility of establishing an educational organization, and I did so.

I do not wish to speak about details, but one of the demands, which I made at once—this is important in connection with the Indictment—was that there should be no difficulties placed in the way of young people's participation in church services. That was promised to me, and it was expressed very clearly in my first directives for the children's evacuation. The youth leaders who were active in this field of my organizational work will confirm this.

DR. SAUTER: This evacuation of children to the country was a very extensive task, was it not?

VON SCHIRACH: It was the most difficult, and from a psychological point of view, the most complicated work which I ever carried out. I transferred millions of people in this way; I supplied them with food, with education, with medical aid, and so on. Of course that work took up my time fully or to a large extent only during the first years. After that I had trained my assistants for that kind of work.

DR. SAUTER: Later, as I have heard from you, you tried from time to time to report to Hitler about your successes and about problems requiring decision. How often during the entire years of the war were you admitted to discuss that important field of work with Hitler?

VON SCHIRACH: Mr. Attorney, I am afraid I have to correct you. I never tried to report to Hitler about my successes, but only about my problems.

DR. SAUTER: Problems, yes.

VON SCHIRACH: About that entire program of evacuation of children I could only report to him twice; the first time in 1940, after I had got the whole program under way, and the second time in 1941, when the evacuation had reached very large proportions.

And about Vienna I could only report on very rare occasions, and in 1943 the possibility of reporting ceased altogether with the breach of relations which I will describe later.

DR. SAUTER: Then, during your period in Vienna you became the Chairman of the Würzburg Bibliophile Society.

VON SCHIRACH: That is an honorary office, the Würzburg Bibliophile Convention had appointed me Chairman of the German Bibliophile Society.

DR. SAUTER: Your Honor, Schirach—Number Schirach-1 of the document book makes reference to that matter, and I submit it as a piece of evidence. It it an affidavit by an old anti-Fascist, Karl Klingspor, an honorary member of the society, who gives valuable information about the character of the Defendant Von Schirach.

And in addition, Herr Von Schirach, I believe you were the Chairman of the Southeast Europe Society, is that correct?

VON SCHIRACH: Yes.

DR. SAUTER: In brief, what was the mission of that society?

VON SCHIRACH: It had as its purpose the improvement of trade relations, economic relations, with the southeast. Its functions were essentially in the field of research and representation.

DR. SAUTER: Witness, what were your main Viennese activities?

VON SCHIRACH: My principal activities in Vienna were social work and cultural work, as I have already explained before.

DR. SAUTER: Social work and cultural work?

VON SCHIRACH: These were the two poles which dominated my entire political life.

DR. SAUTER: I come now to the particular accusations which have been made against you by the Prosecution concerning that period in Vienna. Among other things you have been accused of participating in the so-called slave-labor program, and I ask you to state your position concerning that, and in that connection also to deal with Directive Number 1 of the Plenipotentiary General for the Allocation of Labor, of 6 April 1942, which was presented, I believe, as Document 3352-PS. Please go ahead.

VON SCHIRACH: Maybe I would do best to start with the decree by which Gauleiter were appointed Plenipotentiaries for the Allocation of Labor under the Plenipotentiary General.

DR. SAUTER: 6 April 1942.

VON SCHIRACH: In the way of documentary material that decree contains no more than that the Gauleiter could make suggestions and submit requests to the competent offices for the allocation of labor. But they were held responsible—I do not know whether by this decree or another one—for the supervision of the feeding and quartering, *et cetera,* of foreign workers. This feeding and quartering, *et cetera,* of foreign workers was—in my Gau and I believe also in all other Gaue of the Reich—mainly in the hands of the German Labor Front.

The Gauobmann of the German Labor Front in Vienna reported to me very frequently about the conditions among German workers and foreign workers in the Gau. He often accompanied me on inspection tours of industries; and from my own observations I can describe my impressions here of the life of foreign workers in Vienna as far as I could watch it.

I well remember, for instance, my visit to a large soap factory where I saw barracks in which Russian and French women were living. They had better quarters there than many Viennese families which lived six or eight people in the usual one-room apartments with kitchen. I remember another inspection where I saw a billet of Russian workers. It was clean and neat, and among the Russian women who were there I noticed that they were gay, well-nourished, and apparently satisfied. I know about the treatment of Russian domestic workers from the circle of my acquaintances and from the acquaintances of many assistants; and here, also, I have

heard, and in part observed myself, that they were extremely well treated.

Let me say something in general about Vienna as a place for foreign workers. For centuries foreign workers have worked in Vienna. To bring foreign workers from the southeast to Vienna is no problem at all. One likes to go to Vienna, just as one likes to go to Paris. I have seen very many Frenchmen and French women working in Vienna, and at times I spoke with them. I also talked to French foremen in the factories. They lived as tenants somewhere in the city, just like any other private person. One saw them in the Prater. They spent their free time just as our own native workers did.

During the time I was in Vienna, I built more factory kitchens than there are in any other Gau in Germany. The foreign workers frequented these kitchens just as much as the native workers.

About treatment at the hands of the population, I can only say that the population of a city which has been accustomed for centuries to work together with foreign elements, will spontaneously treat any worker well who comes from the outside.

Really bad conditions were never reported to me. From time to time it was reported that something was not going well here or there. It was the duty of the Gauobmann of the Labor Front to report that to me. Then I immediately issued a directive from my desk by telephone to the regional food office or the quota office for the supply of material, for kitchens or heating installations, or whatever it was. At any rate, I tried within 24 or 48 hours to take care of all complaints that came to me.

While we are on the subject I would like to give my impression of the use of manpower in general. I am not responsible for the importation of labor. I can only say that what I saw in the way of directives and orders from the Plenipotentiary General, namely the Codefendant Sauckel, always followed the line of humane, decent, just, and clean treatment of the workers who were entrusted to us. Sauckel literally flooded his offices with such directives.

I considered it my duty to state that in my testimony.

DR. SAUTER: These foreign workers, who were in the Gau Vienna and for whom you do not consider yourself responsible, were they employed in the armament industry or elsewhere?

VON SCHIRACH: A large portion was employed in agriculture, some in the supply industry. Whether there were some directly in the armament industry I could not say. The armament industry was not accessible to me in all its ramifications, even in my functions as Gauleiter, because there were war production processes which were kept secret even from the Reichsstatthalter.

DR. SAUTER: Witness, in connection with the subject of Jewish forced labor, a letter was read, Document 3803-PS. It is, I believe, a handwritten letter from the Defendant Kaltenbrunner to Blaschke. Blaschke, I believe, was the second mayor of Vienna.

VON SCHIRACH: He was the mayor of Vienna.

DR. SAUTER: This is a letter of 30 June 1944. In that letter Kaltenbrunner informs Blaschke that he had directed that several evacuation transports should be sent to Vienna-Strasshof. "There are four transports," it says in the letter, "with about 12,000 Jews, which will arrive in the next few days." So much about the letter. Its further content is only of importance because of what it says in the end—and I quote:

"I beg you to arrange further details with the State Police Office, Vienna, SS Obersturmbannführer Dr. Ebner, and SS Obersturmbannführer Krumey, of the Special Action Command Hungary, who is at present in Vienna."

Did you have anything to do with that matter, and if so what?

VON SCHIRACH: I do not know of the correspondence between the Codefendant Kaltenbrunner and the mayor of Vienna. To my knowledge Camp Strasshof is not within Gau Vienna at all. It is in an altogether different Gau. The designation, "Vienna-Strasshof," is, therefore, an error. The border runs in between the two.

DR. SAUTER: And were you informed of the matter itself at that time, or only here in the courtroom?

VON SCHIRACH: I know of that matter only from this courtroom, but I remember that mention was made about the use of Jewish workers in connection with the building of the Southeast Wall or fortifications. The Southeast Wall, however, was not in the area of Reich Gau Vienna. It was a project in the area of Gau Lower Danube, Lower Austria, or Styria. I had nothing to do with the construction of the Southeast Wall; that was in the hands of Dr. Jury, that is, the O. T. . . .

DR. SAUTER: O. T. is the Organization Todt?

VON SCHIRACH: . . . the Organization Todt. And in the other part of the border it was in the hands of Dr. Uiberreither, the Gauleiter of Styria, and his technical assistants.

DR. SAUTER: So I can sum up your statement to mean that you had nothing to do with these things because they were matters which did not concern your Gau.

VON SCHIRACH: Yes. I cannot understand what connection there should be with Gau Vienna. Whether the mayor intended to divert some of these workers for special tasks in Vienna is not known to me. I do not know about that matter.

DR. SAUTER: In the same connection, Witness, another document has been submitted, 1948-PS, a file note of 7 November 1940. That was a date on which you had already been Gauleiter in Vienna for several months and it, too, concerns forced labor of the Jews who were capable of work. That file note was written on stationery with the heading "The Reichsstatthalter in Vienna," and apparently the note in question was written by a Dr. Fischer. Who is Dr. Fischer? What did you, as Reichsstatthalter, have to do with that matter? What do you know about it?

VON SCHIRACH: First of all, Dr. Fischer is not known to me personally. I do not want to dispute the possibility that he may have been introduced to me once and that I do not remember him; but I do not know who Dr. Fischer is. At any rate, he was not an expert working in my central office. I assume that he may have been an official, because his name appears in connection with another document also. He was probably the personal consultant of the Regierungspräsident. The note shows that this official used my stationery, and he was entitled to do that. I believe several thousand people in Vienna were entitled to use that stationery, according to the usage of German offices.

On this note he has put down a telephone conversation with the Gestapo from which it can be seen that the Reich Security Main Office—that is Heydrich—was the office which decided, by internal directives to the Gestapo, on the use of Jewish manpower.

The Regierungspräsident wanted to know more about that; but I believe one cannot draw the conclusion from this that I was informed about cruelties committed by the Gestapo, as the Prosecution has concluded. It is doubtful whether I was in Vienna at all at that time. I want to remind you of my other tasks, which I have described before.

However, if I was there, I certainly did not concern myself with the work of cleaning up the streets. But I should like to say that the variety of my tasks caused me to establish an organizational structure which did not exist in other Gaue, namely, the Central Office of the Reich Leader.

DR. SAUTER: Perhaps you will tell us, before concluding for today, approximately how many officials in Vienna were subordinated to you.

VON SCHIRACH: I guess it may have been about 5,000 officials and employees.

DR. SAUTER: Shall I continue, Mr. President? It is 5:00 o'clock.

THE PRESIDENT: We will adjourn.

[The Tribunal adjourned until 24 May 1946 at 1000 hours.]

ONE HUNDRED AND THIRTY-EIGHTH DAY

Friday, 24 May 1946

Morning Session

[The Defendant Von Schirach resumed the stand.]

THE PRESIDENT: Is counsel for the Defendant Bormann present?

DR. FRIEDRICH BERGOLD (Counsel for Defendant Bormann): Yes.

THE PRESIDENT: Would it be convenient to you to present your documents on Tuesday at 10 o'clock?

DR. BERGOLD: Yes, agreed.

THE PRESIDENT: Would it be convenient to the Prosecution?

SIR DAVID MAXWELL-FYFE: Certainly, My Lord.

THE PRESIDENT: Quite convenient, would it?

DR. BERGOLD: Yes, indeed.

DR. SAUTER: Your Honors, we left off yesterday with Document Number 1948-PS. That, as you will recall, is a memorandum by a certain Dr. Fischer about a telephone conversation he had held with an official of the Secret State Police, Standartenführer Huber, from Vienna, and refers to forced labor of Jewish youth. Special mention is made of the employment of Jews in the removal of ruined synagogues. In connection with this memorandum I should like to put just one more question to the Defendant Schirach.

[Turning to the defendant.] When were these synagogues destroyed in Vienna? Was it in your time and on your responsibility, or at another time?

VON SCHIRACH: The synagogues in Vienna were destroyed 2 years before I assumed office in Vienna.

DR. SAUTER: Witness, I now proceed to the chapter on anti-Semitism which—according to your admission yesterday—you followed in your youth. I should like to know what your attitude was, when you joined the Party and when you became an official in the Party, toward a practical solution of this anti-Semitism?

VON SCHIRACH: According to my opinion—in 1924-1925—Jews were to be entirely excluded from the civil service. Their

influence in economic life was to be limited. I believed that Jewish influence in cultural life should be restricted. But for artists of the rank of, for instance, Max Reinhardt, I still envisioned the possibility of a free participation in this cultural life. That, I believe, exactly reflects the opinion which I and my comrades held on the solution of the "Jewish Problem" in 1924-1925 and in the following years.

Later, when I was leading the high school youth movement, I put forward the demand for the so-called *Numerus clausus.* It was my wish that the Jews should be allowed to study only on a proportional basis commensurate to their percentage of the total population. I believe one can realize from this demand for the *Numerus clausus,* known to the entire generation of students in that period, that I did not believe in a total exclusion of the Jews from artistic, economic, and scientific activities.

DR. SAUTER: Witness, I have submitted a document, Document Schirach-136, in the Schirach document book, which contains statements by an official of the Reich Youth Leadership about the treatment of Jewish youth as contrasted with Christian youth. Do you know what attitude the Reich Youth Leadership had adopted at that time toward the Jewish youth?

VON SCHIRACH: I believe that we are dealing with the decree of the year 1936.

DR. SAUTER: Autumn 1936?

VON SCHIRACH: Autumn 1936. According to that, Jewish youth organizations were to exist under the official supervision of the Reich Youth Leader, who controlled all the youth of Germany, and Jewish youth would be able to carry out their own youth education autonomously.

DR. SAUTER: It says in that decree, *inter alia*—I quote one sentence only from Document Schirach-136 of the Schirach document book:

> "Today in its youth, Judaism already assumes that special, isolated position, free within its own boundaries, which at some future date Judaism will occupy within the German State and in the economy of Germany and which it has already occupied to a great extent."

Witness, at about the same time, or shortly before then, the so-called Nuremberg Laws had been promulgated, those racial laws which we have frequently heard mentioned here.

Did you help pass these laws, and how did you personally judge these laws?

VON SCHIRACH: I had no part in the drafting of these laws. In my room at the Hotel Deutscher Hof, here in Nuremberg, I was surprised to find a slip of paper stating that there would be a Reichstag meeting on the next day and that it would take place in Nuremberg. At that Reichstag meeting, at which I was present, the Nuremberg Laws were promulgated. I do not know to this day how they were drafted. I assume that Hitler himself determined their contents. I can tell you no more about them.

DR. SAUTER: Can you state on your oath, and with a clear conscience, that before these laws were published you had not known of the plan for such laws, although you had been Reich Youth Leader and Reichsleiter?

VON SCHIRACH: Yes.

DR. SAUTER: After these laws had been promulgated in Nuremberg, how did you personally envisage the further development of the Jewish problem?

VON SCHIRACH: I must say, first of all, that we had, as a matter of fact, not expected these laws at all. I believe that the entire youth of the country at that time considered the Jewish problem as solved, since in 1935 there could be be no more question of any Jewish influence. After these laws had been published we were of the opinion that now, definitely, the last word had been spoken on the Jewish problem.

DR. SAUTER: Briefly, Witness, you are accused of having incited and influenced the youth of the country. I therefore ask you: As Reich Youth Leader did you incite youth to anti-Semitic excesses, or did you, as Reich Youth Leader, and particularly at meetings of the Hitler Youth, make any inflammatory anti-Semitic speeches?

VON SCHIRACH: I did not make any inflammatory anti-Semitic speeches, since I attempted, both as Reich Youth Leader and youth educator, not to add fuel to the fire; for neither in my books nor in my speeches—with the exception of one speech in Vienna, to which I shall refer later on and which was not made at the time when I was Reich Youth Leader—have I made any inflammatory statements of an anti-Semitic nature.

I will not make myself ridiculous by stating here that I was not an anti-Semite; I was—although I never addressed myself to the youth in that sense.

DR. SAUTER: The office of the Reich Youth Leader published an official monthly entitled *Will and Power, Leadership Publication of the National Socialist Youth.* Excerpts from this official publication have previously been submitted to the Tribunal in the document book.

Now I would be interested to know: Is it true that certain Party authorities repeatedly demanded from you that you publish a special anti-Semitic issue of this official Youth Leadership publication in order to show the youth of the country the path to follow in the future, and what was your attitude with regard to that demand?

VON SCHIRACH: It is true that the Reich Minister for Propaganda repeatedly demanded of my editor-in-chief that such an anti-Semitic issue should be published. On receiving the report of the editor-in-chief I invariably refused to comply with this request. I believe that the editor-in-chief has already signed a sworn affidavit to that effect.

DR. SAUTER: Witness, the question of anti-Semitism would also include your attitude to *Der Stürmer,* the paper issued by your fellow-Defendant, Streicher. Did you distribute this anti-Semitic paper *Der Stürmer* within your youth organization, and did you in any way further its distribution?

VON SCHIRACH: *Der Stürmer* was not distributed within the youth organization. I believe that with the sole exception of those of the young people who lived in this Gau . . .

DR. SAUTER: Gau Franken?

VON SCHIRACH: Yes, Gau Franken—that the rest of the German youth organization never read *Der Stürmer* at all. The paper was definitely rejected by all the youth leaders—both boys and girls—in my organization.

DR. SAUTER: Then, Witness, I must point out to you that the Prosecution have accused you of having given, on one occasion, an introduction to this paper, this anti-Jewish paper *Der Stürmer.* Do you know about it, and what have you got to say on the matter?

VON SCHIRACH: I can say the following in this respect. I was always in close collaboration with the press; in fact, I came from the press myself. In my press office, as Reich Youth Leader, I gave definite instructions that all requests from Gau papers for an introduction, or something else of the kind from me should be granted on principle. Therefore, whenever a Gau paper celebrated a jubilee—perhaps the tenth or twentieth anniversary of its existence, or published some special issue—then the experts in my press office would run up a draft and, together with the considerable volume of evening mail presented to me for my signature, these drafts and elaborations would be submitted to me. In this way it might have happened that I signed that introduction for *Der Stürmer* which, of course, was the paper of the local Gau. Otherwise I have no recollection of the episode.

DR. SAUTER: Consequently you cannot remember whether you drafted that short introduction yourself, or whether it was drafted by one of your experts and presented to you for signature?

VON SCHIRACH: I definitely believe that I did not draft it myself, because such short introductions—as already stated—were always submitted to me. I wrote my newspaper articles myself but never introductions of this description.

DR. SAUTER: Witness, since we have just mentioned the name of Streicher, I would remind you of a very ugly picture book which was submitted here by the Prosecution. Was that picture book distributed among the youth with your consent, or do you know anything else about it?

VON SCHIRACH: Of course this book was not distributed among the young people. It is quite out of the question that an office of the HJ (Hitler Jugend) would have transmitted that book to the youth. Besides, the picture books of the Stürmer Publishing Firm are unknown to me. I am, of course, not competent to speak on education in the schools, but I should also like to say on behalf of education in the schools that I do not believe this picture book was ever introduced into any school outside of this Gau. At any rate, that book and similar writings of the Stürmer Publishing Firm were not, as a rule, distributed among the young people and the youth organizations. What I have already said when judging *Der Stürmer* also holds good for these books—namely, that the leadership corps of the Hitler Youth categorically rejected writings of this description.

DR. SAUTER: Witness, you have also experienced how the anti-Semitic question actually developed and how it eventually resulted in the well-known anti-Jewish pogroms of November 1938. Did you yourself, in any way, participate in these anti-Jewish pogroms of November 1938?

VON SCHIRACH: I personally did not participate in any way, but I did participate in the Munich session . . .

DR. SAUTER: Which session?

VON SCHIRACH: The session which was traditionally held on 9 November of each year in memory of those who had fallen on 9 November 1923. I did not take part in all the discussions of that day. But I do remember a speech by Goebbels in connection with the murder of Herr Vom Rath. That speech was definitely of an inflammatory nature, and one was free to assume from this speech that Goebbels intended to start some action. He is alleged—but that I only discovered later—to have given detailed instructions for this action directly from his hotel in Munich to the Reich Propaganda Ministry. I was present at the Munich session, as was my colleague Lauterbacher, my chief of staff, and we both rejected the action.

The HJ, as the largest National Socialist organization, was not employed at all in the anti-Jewish pogroms of 9, 10, and 11 November 1938. I remember one incident where a youth leader, without referring to my Berlin office and carried away by some local propaganda, took part in a demonstration and was later called to account by me for so doing. After 10 November I was again in Munich for a few days and visited, *inter alia,* a few of the destroyed business houses and villas as well. It made a terrible impression on me at the time, and under that impression I instructed the entire Youth Leadership, the regional leaders if I remember rightly—in other words, all the highest responsible youth leaders—to come to Berlin and there, in an address to these youth leaders, I described the incidents of the 9 and 10 November as a disgrace to our culture. I also referred to it as a criminal action. I believe that all the colleagues present on that occasion will clearly remember how agitated I was and that I told them that my organization, both now and in the future, would never have anything to do with acts of this sort.

DR. SAUTER: You previously mentioned one individual case where an HJ leader, subordinate to you, participated in some action. Did you know of other cases, in November 1938 and after, where units of the HJ were factually supposed to have participated in the anti-Jewish pogroms?

VON SCHIRACH: No, I know of no other cases. The only thing I did hear was that here and there individual lads, or groups of youths, were called out into the streets by local authorities which were not of the HJ. In the majority of cases these lads were promptly sent home again by the youth leaders. The organization was never employed, and I attach great importance to the statement that the youth organization, which included more members than the Party itself with all its affiliated organizations, was never involved in these incidents.

DR. SAUTER: Witness, you saw at least, from the incidents in November 1938, that developments in Germany were taking a different trend to the course you had expected—if we are to judge by your previous description. How did you, after November 1938, envisage the further solution of the Jewish problem?

VON SCHIRACH: After the events of 1938 I realized that Jewry's one chance lay in a state-supported emigration; for in view of Goebbels' temper, it seemed probable to me that overnight similar actions could arise from time to time, and under such conditions of legal insecurity I could not see how the Jews could continue living in Germany. That is one of the reasons why Hitler's idea of a closed Jewish settlement in the Polish Government General, of which he told me at his headquarters in 1940, was clear to

me. I thought that the Jews would be better off in a closed settlement in Poland than in Germany or Austria, where they would remain exposed to the whims of the Propaganda Minister who was the mainstay of anti-Semitism in Germany.

DR. SAUTER: Is it true that you yourself, whenever you had a chance of approaching Hitler, gave him your own positive suggestions for settling the Jews in some neutral country, under humane conditions?

VON SCHIRACH: No, that is not true.

DR. SAUTER: Well?

VON SCHIRACH: I should like fully to elucidate this matter. I mentioned yesterday how I had reported to Hitler and how he had told me that the Viennese Jews would be sent to the Government General. Before that, I had never thought of an emigration of the Jews from Austria and Germany for resettlement in the Government General. I had only thought of a Jewish emigration to countries where the Jews wanted to go. But Hitler's plan, as it then existed—and I believe that at that time the idea of exterminating the Jews had not yet entered his mind—this plan of resettlement sounded perfectly reasonable to me—reasonable at that time.

DR. SAUTER: But I believe that in 1942 you are supposed to have tried, through the kind offices of your friend, Dr. Colin Ross, to suggest to Hitler that the Jews from Hungary and the Balkan States be allowed to emigrate to some neutral country, taking their goods and chattels with them.

VON SCHIRACH: That was at a later date. I no longer remember exactly when, but in any case it was after the occupation of Hungary. Among the innumerable suggestions which I made to the Führer and to the Minister for Foreign Affairs through Colin Ross, was one to the effect that the entire Jewish population of Hungary be transferred to the neutral countries. If the witness Steengracht has stated here that this idea had been discussed in the Ministry of Foreign Affairs and that it had emanated from the Ministry of Foreign Affairs, then he probably spoke in good faith. The idea originated in discussions held between Colin Ross and myself, and Ross then put it down in the form of a memorandum. But—and this is specially important—it was reported verbally to the Reich Minister for Foreign Affairs who, in turn, informed Colin Ross, on the occasion of a further visit, that the Führer had definitely turned the suggestion down.

DR. SAUTER: The emigration to neutral countries abroad?

VON SCHIRACH: Yes, to neutral countries abroad.

DR. SAUTER: The majority of the Viennese Jews, Witness, were —as you yourself know—deported from Vienna. In 1940, when you became Gauleiter in Vienna—or later on—did you ever receive a directive from Hitler to the effect that you yourself should carry out this deportation of the Jews from Vienna or that you should participate in the deportation?

VON SCHIRACH: I never received any such directive. The only directive which I received in connection with the deportation of the Jewish population from Vienna was a question from Hitler asking about the number of Jews living in Vienna at the time. That number, which I had forgotten, was recalled to my memory by a document put to me by the Prosecution. According to that document I reported to Hitler that 60,000 Jews were then living in Vienna. That figure probably comes from the registration office. In former times about 190,000 Jews, all told, lived in Vienna. That, I believe, was the highest figure reached. When I came to Vienna there were still 60,000 Jews left. The deportation of the Jews was a measure immediately directed, on orders from Hitler, or by Himmler; and there existed in Vienna an office of the Reich Security Main Office, or local branch office under Himmler-Heydrich, which carried out these measures.

DR. SAUTER: Who was in charge of that office?

VON SCHIRACH: The head of that office was—that I found out now; I did not know his name at the time—a certain Brunner.

DR. SAUTER: An SS Sturmführer?

VON SCHIRACH: An SS Sturmführer, Dr. Brunner.

DR. SAUTER: The one who, a few days ago, is supposed to have been condemned to death? Did you know that?

VON SCHIRACH: I heard it yesterday.

DR. SAUTER: Did you have to issue any orders to this Brunner who was an SS leader, or could you give him any kind of instructions?

VON SCHIRACH: It was entirely impossible for me to stop the deportation of the Jews or to have any influence thereupon. Once, as early as 1940, I told the chief of my Regional Food Supply Office that he should see to it that departing Jewish people be provided with sufficient food. Frequently, when Jews wrote to me requesting to be exempted from deportation, I charged my adjutant or some assistant to intervene with Brunner so that possibly an exception might be made for these persons. More I could not do. But I have to admit frankly, here and now, that I was of the opinion that this deportation was really in the interests of Jewry, for the reasons which I have already stated in connection with the events of 1938

DR. SAUTER: Did the SS, which in Vienna too was charged with the evacuation of the Jews, send continuous reports as to how and to what extent this evacuation of the Jews was carried out?

VON SCHIRACH: No. I am, therefore, also not in a position to state when the deportation of the Jews was concluded and whether the entire 60,000 were dragged out of Vienna or if only a part of them was carried off.

DR. SAUTER: Did not the newspapers in Vienna report anything at all about these deportations of the Jews, about the extent of the deportations and the abuses occasioned in this connection?

VON SCHIRACH: No.

DR. SAUTER: Nothing? But, Witness, I must put a document to you which has been submitted by the Prosecution. It is Document Number 3048-PS, an excerpt from the Viennese edition of the *Völkischer Beobachter,* on a speech which you, Witness, made on 15 September 1942 in Vienna, and in which occurs the sentence—I quote from the newspaper:

> "Every Jew who operates in Europe is a danger to European culture. If I were to be accused of having deported tens of thousands of Jews from this city, once the European metropolis of Jewry, to the Eastern ghetto, I would have to reply, 'I see in that an active contribution to European culture.' "

Thus runs the quotation from your speech which otherwise contains no anti-Semitic declarations on your part. Considering your previous statements, Witness, I am compelled to ask you: Did you make that speech, and how did you come to make it despite your basic attitude which you have previously described to us?

VON SCHIRACH: First, I want to say that I did make that speech. The quotation is correct. I said that. I must stand by what I have said. Although the plan of the deportation of the Jews was Hitler's plan and I was not charged with its execution, I did utter those words, which I now sincerely regret; but I must say that I identified myself morally with that action only out of a feeling of misplaced loyalty to the Führer. That I have done, and that cannot be undone. If I am to explain how I came to do this, I can only reply that at that time I was already "between the Devil and the deep sea." I believe it will also become clear from my later statements that from a certain moment on I had Hitler against me, the Party Chancellery against me, and very many members of the Party itself against me. Constantly I heard from officials of the Party Chancellery who expressed that to the Gauleiter of Vienna, and from statements made in Hitler's entourage that one was under the impression—and that this could be clearly recognized from my attitude and my actions—that I was no longer expressing myself publicly

in the usual anti-Semitic manner or in other ways, either; and I just have no excuse. But it may perhaps serve as an explanation, that I was trying to extricate myself from this painful situation by speaking in a manner which today I can no longer justify to myself.

DR. SAUTER: Witness, I should like to ask you, in this connection—you have just spoken of a painful situation in which you found yourself in Vienna. Is it true that Hitler himself, on various occasions, reproached you personally and severely because your attitude in Vienna had not been sufficiently energetic, that you had become too slack and too yielding; that you should concern yourself more with the interests of the Party, and that you should adopt far stricter methods? And what, Witness, did you then do?

THE PRESIDENT: Dr. Sauter, I assume that you realize that you are putting questions in the most leading form, that you are putting questions which suggest the answer to the defendant, and such questions cannot possibly carry—the answers to such questions cannot possibly carry the weight which answers given to questions not in their leading form would carry.

DR. SAUTER: Witness, did Hitler personally reproach you for your behavior in Vienna, and what attitude did you adopt?

I believe that is not a suggestive question.

THE PRESIDENT: I think it is. I should have thought it is a leading question. He says he was in a very difficult situation. You could ask him if he would explain what was the difficulty of the situation.

DR. SAUTER: Very well. Then will you answer this question, Witness?

VON SCHIRACH: Counsel for the defense, I could not, in any case, have accepted the question in the form in which you previously presented it.

The difference between Hitler and myself arose primarily over an art exhibition, and the breach between Hitler and myself in 1943 was in the beginning the result of differences of opinion over the cultural policy. In 1943 I was ordered to the Berghof where Hitler, in the presence of Bormann, criticized me violently on account of my cultural work and literally said that I was leading the cultural opposition against him in Germany. And further, in the course of the conversation he said that I was mobilizing the spiritual forces of Vienna and Austria and the spiritual forces of the young people against him in cultural spheres. He said he knew it very well indeed. He had read some of my speeches, primarily the Düsseldorf speech; he had discovered that I had authorized in Weimar and in Vienna art exhibitions of a decadent nature; and he offered me the

alternative, either to end this kind of oppositional work immediately—then for the time being everything could remain as in the past—or he would stop all Government subsidies for Vienna.

This scene made a frightful impression on me, for it represented to me a breach of Hitler's promised word, since he had granted me absolute freedom of action when he appointed me to the Vienna mission. I then recognized that he nourished an icy hatred toward me, and that behind these statements on cultural policies something else was concealed. Whether he was dissatisfied in every detail with the way I conducted my office in Vienna at the time, I do not know. He rarely expressed himself directly about such matters. From his entourage I learned only of occasional happenings.

I then—and that led to the complete and final break between Hitler and myself—a few weeks after I had received this order, if I may call it so, received a strange invitation for myself and my wife to spend some time on the Berghof. At that time I innocently believed that Hitler wished to bridge the gap between us and to let me know, in one way or another, that he had gone too far. In any case, at the end of a 3 days' visit—I cut my stay short—I discovered that this was a fundamental error on my part. Here I will limit myself to a few points only. I had intended—and I also carried out my intention—to mention at least three points during my visit. One was the policy toward Russia, the second was the Jewish question, and the third was Hitler's attitude toward Vienna.

I must state, to begin with, that Bormann had issued a decree addressed to me, and probably to all the other Gauleiters, prohibiting any intervention on our part in the Jewish question. That is to say, we could not intervene with Hitler in favor of any Jew or half-Jew. That too was stated in the decree. I have to mention this, since it makes matters clearer.

On the first evening of my stay at the Berghof, on what appeared to me a propitious occasion, I told Hitler that I was of the opinion that a free and autonomous Ukraine would serve the Reich better than a Ukraine ruled by the violence of Herr Koch. That was all I said, nothing more, nothing less. Knowing Hitler as I did, it was extremely difficult even to hazard such a remark. Hitler answered comparatively quietly but with pronounced sharpness. On the same evening, or possibly the next one, the Jewish question was broached according to a plan I made with my wife. Since I was forbidden to mention these things even in conversation, my wife gave the Führer a description of an experience she had had in Holland. She had witnessed one night, from the bedroom of her hotel, the deportation of Jewish women by the Gestapo. We were both of the opinion that this experience during her journey and the description of it might possibly result in a change of Hitler's attitude toward

the entire Jewish question and in the treatment of the Jews. My wife gave a very drastic description, a description such as we can now read in the papers. Hitler was silent. All the other witnesses to this conversation, including my own father-in-law, Professor Hoffmann, were also silent. The silence was icy, and after a short time Hitler merely said, "This is pure sentimentality." That was all. No further conversation took place that evening. Hitler retired earlier than usual. I was under the impression that a perfectly untenable situation had now arisen. Then the men of Hitler's entourage told my father-in-law that from now on I would have to fear for my safety. I endeavored to get away from the Berghof as quickly as possible without letting matters come to an open break, but I did not succeed.

Then Goebbels arrived on the next evening and there, in my presence and without my starting it, the subject of Vienna was broached. I was naturally compelled to protest against the statements which Goebbels at first made about the Viennese. Then the Führer began with, I might say, incredible and unlimited hatred to speak against the people of Vienna. I have to admit, here and now, that even if the people of Vienna are cursing me today, I have always felt very friendly toward them. I have felt closely attached to those people. I will not say more than that Joseph Weinheber was one of my closest friends. During that discussion, I, in accordance with my duty and my feelings, spoke in favor of the people under my authority in Vienna.

At 4 o'clock in the morning, among other things, Hitler suddenly said something which I should now like to repeat for historical reasons. He said, "Vienna should never have been admitted into the Union of Greater Germany." Hitler never loved Vienna. He hated its people. I believe that he had a liking for the city because he appreciated the architectural design of the buildings on the Ring. But everybody who knows Vienna knows that the true Vienna is architecturally Gothic, and that the buildings on the Ring are not really representative.

DR. SAUTER: Witness, I consider that this subject has little to do with the Indictment—please adhere to the Indictment.

VON SCHIRACH: I shall now conclude. I only want to say that so total a break resulted from that discussion—or, rather explosion—of Hitler's that on that very night at about 0430 I took my leave and left the Berghof a few hours later. Since then I had no further conversations with Hitler.

I must now refer to something else in this connection. Reich Marshal Göring, in the witness box, mentioned a letter of mine which Hitler had shown him, and Herr Von Ribbentrop has stated

here that he was present at a conversation during which Himmler suggested to Hitler that I be indicted before the People's Court, which meant in reality that I should be hanged. I must add one thing more: What Göring said about this letter is mainly true. I wrote in quite a proper manner about family relations in that letter. I also wrote one sentence to the effect that I considered war with America a disaster.

DR. SAUTER: When was that letter written?

VON SCHIRACH: 1943, shortly after my stay at the Berghof. That statement contained nothing special, since Hitler even without . . .

THE PRESIDENT: He hasn't given the date of his stay at the Berghof yet.

DR. SAUTER: He has said 1943, Mr. President. He has just said 1943.

THE PRESIDENT: There are 12 months in 1943.

DR. SAUTER: I believe you ought to give us the month.

VON SCHIRACH: I believe that the conversation on the Berghof was in the spring, and that the letter, though I cannot tell you precisely when, was written in the summer.

DR. SAUTER: Summer of 1943?

VON SCHIRACH: Yes, 1943; but I could not say precisely when the letter was written. The letter was correct. It was written by hand, and no secretary read it. It went by courier to the head of the State.

DR. SAUTER: To Hitler personally?

VON SCHIRACH: To Hitler. It is also possible that it was addressed in care of Bormann. I cannot remember exactly. It went by courier, and that letter contained nothing else but the clarification required for replying to questions put to me in a circular which Göring mentioned in his statement here. That letter caused Hitler to have an absolute loathing for me; and at about the same time a file was started against me in the Reich Security Main Office. That was due to the fact that I had described in a small circle of political leaders—of high-ranking political leaders—the foreign political situation such as I saw it, as I was accustomed to do from the days of my youth. One of these leaders was an SS intelligence officer and reported what I said, and then the file was started. The material was compiled in order to eventually bring me to trial. That I was never brought to trial I owe solely and exclusively to the circumstance that both in the Army and at home my comrades from the Youth Leadership stood solidly behind me, and any proceedings against me would have led to trouble. After 20 July

1944 my situation became very precarious. My friends in the Army, therefore, placed a company of hand-picked men at my disposal. They were under the orders of the former adjutant of General-oberst Fromm. The company was directly subordinate to me. It took over the protection of my person and remained with me to the end.

DR. SAUTER: Was that company of the Wehrmacht, which you have just mentioned, placed at your disposal in place of the police protection previously afforded you?

VON SCHIRACH: Yes.

DR. SAUTER: Witness, I have to refer once more to your Vienna speech of September 1942. In that speech you speak of the deportation of tens of thousands of Jews to the Eastern ghetto. You did not speak about the extermination or the murder of the Jews. When did you discover that Hitler's plan aimed at extermination or destruction?

VON SCHIRACH: Counsel, if I at that time had known anything about the destruction—that is the extermination of the Jews—I would not be sitting here today. As far as I can recall, I heard about an extermination of the Jews for the first time through the following incident.

Dr. Ross came to see me . . .

DR. SAUTER: Who?

VON SCHIRACH: Dr. Colin Ross came to Vienna in 1944 and told me that he had received information, via the foreign press, that mass murders of Jews had been perpetrated on a large scale in the East. I then attempted to find out all I could. What I did discover was that in the Warthegau executions of Jews were carried out in gas vans. These shootings in the East . . .

THE PRESIDENT: Dr. Sauter, what was the Gau that he spoke of? The Wart Gau?

DR. SAUTER: The Warthegau, My Lord.

VON SCHIRACH: The Warthegau.

DR. SAUTER: That is a Gau, a district on the Polish border. That is an area in the east of Germany,—W-a-r-t-h-e-g-a-u—in the west of Poland, near Silesia.

Please, Witness, will you continue briefly.

VON SCHIRACH: The executions, the shootings on Russian territory, mentioned in the documents submitted in the course of the cross-examination in the Kaltenbrunner case, were not known to me at that time. But at a later date—it was before 1944—I heard about shootings in the ghettos of the Russian area and connected

this with developments on the front, since I thought of possible armed uprisings in the ghettos. I knew nothing of the organized annihilation which has been described to us in the Trial.

DR. SAUTER: Then, if I have heard you correctly, you were informed about these events for the first time in 1944 by your friend, Dr. Colin Ross, who knew it from reports in the foreign papers?

VON SCHIRACH: Yes.

DR. SAUTER: Do you still remember the month?

VON SCHIRACH: That I cannot say.

DR. SAUTER: In any case it would be in 1944?

VON SCHIRACH: That again I cannot say. But I believe I have to explain something more about it. I asked myself what can one do to prevent it? And I still ask myself, day after day, what did I do to prevent it? I can only answer practically nothing, since from 1943 on I was politically dead. Beyond what I had attempted in 1943 on the Berghof, I could do nothing at all.

DR. SAUTER: Nothing?

VON SCHIRACH: Nothing.

DR. SAUTER: Witness, I should in this connection like to ask you a question of principle. You admitted yesterday that you had become an anti-Semite—and that is according to your conception—in your very early youth. You have, in the interim, heard the testimony of Hoess, the Auschwitz commander, who informed us that in that camp alone, I believe, 2,500,000 to 3,000,000 innocent people, mostly Jews, had been done to death. What, today, does the name of Auschwitz convey to you?

VON SCHIRACH: It is the greatest, the most devilish mass murder known to history. But that murder was not committed by Hoess; Hoess was merely the executioner. The murder was ordered by Adolf Hitler, as is obvious from his last will and testament. The will is genuine. I have held the photostat copy of that will in my hands. He and Himmler jointly committed that crime which, for all time, will be a stain in the annals of our history. It is a crime which fills every German with shame.

The youth of Germany is guiltless. Our youth was anti-Semitically inclined, but it did not call for the extermination of Jewry. It neither realized nor imagined that Hitler had carried out this extermination by the daily murder of thousands of innocent people. The youth of Germany who, today, stand perplexed among the ruins of their native land, knew nothing of these crimes, nor did they desire them. They are innocent of all that Hitler has done to the Jewish and to the German people.

I should like to say the following in connection with Hoess' case. I have educated this generation in faith and loyalty to Hitler. The Youth Organization which I built up bore his name. I believed that I was serving a leader who would make our people and the youth of our country great and happy and free. Millions of young people believed this, together with me, and saw their ultimate ideal in National Socialism. Many died for it. Before God, before the German nation, and before my German people I alone bear the guilt of having trained our young people for a man whom I for many long years had considered unimpeachable, both as a leader and as the head of the State, of creating for him a generation who saw him as I did. The guilt is mine in that I educated the youth of Germany for a man who murdered by the millions. I believed in this man, that is all I can say for my excuse and for the characterization of my attitude. This is my own—my own personal guilt. I was responsible for the youth of the country. I was placed in authority over the young people, and the guilt is mine alone. The younger generation is guiltless. It grew up in an anti-Semitic state, ruled by anti-Semitic laws. Our youth was bound by these laws and saw nothing criminal in racial politics. But if anti-Semitism and racial laws could lead to an Auschwitz, then Auschwitz must mark the end of racial politics and the death of anti-Semitism. Hitler is dead. I never betrayed him; I never tried to overthrow him; I remained true to my oath as an officer, a youth leader, and an official. I was no blind collaborator of his; neither was I an opportunist. I was a convinced National Socialist from my earliest days—as such, I was also an anti-Semite. Hitler's racial policy was a crime which led to disaster for 5,000,000 Jews and for all the Germans. The younger generation bears no guilt. But he who, after Auschwitz, still clings to racial politics has rendered himself guilty.

That is what I consider my duty to state in connection with the Hoess case.

DR. SAUTER: Mr. President, is this perhaps a convenient moment to break off?

THE PRESIDENT: How long is the defendant's examination going to continue, Dr. Sauter?

DR. SAUTER: I believe it will take about 1 hour.

THE PRESIDENT: I did not hear that.

DR. SAUTER: I believe it will take about one more hour—an hour at the most. Did you hear me, Mr. President?

THE PRESIDENT: Yes, I hear you now. We have been hearing you for a very long time now.

DR. SAUTER: Yes.

[A recess was taken.]

DR. SAUTER: Mr. President, after this declaration by the Defendant Von Schirach I would gladly dispense with all further questions, but the Prosecution have brought definite accusations against this defendant and I fear that, if he does not briefly voice an opinion on the subject, these accusations would be considered as tacitly accepted. I shall try to be as brief as possible.

Witness, you have just described the impressions you had gathered from the proceedings of the Tribunal. Have you yourself ever visited a concentration camp?

VON SCHIRACH: Yes.

DR. SAUTER: When, and for what reason?

VON SCHIRACH: As the witness Höllriegel has testified before this Tribunal, I visited Mauthausen Concentration Camp in 1942. The testimony given by another witness, Marsalek, to the effect that this visit took place in 1944, is incorrect. I also mentioned it when I was interned, in June 1945 and in the course of my preliminary interrogation in Nuremberg.

DR. SAUTER: Prior to Höllriegel's testimony?

VON SCHIRACH: Yes.

THE PRESIDENT: The translation came through "interned in June 1940." Is that right?

DR. SAUTER: 1945, Herr Von Schirach, not 1940?

VON SCHIRACH: Yes. I went into voluntary internment in 1945.

DR. SAUTER: Then you can confidently state that you visited Mauthausen in 1942?

VON SCHIRACH: Yes.

DR. SAUTER: For what reason and how . . .

VON SCHIRACH: There had been a session . . .

DR. SAUTER: Just one moment . . .

THE PRESIDENT: What does he mean by "voluntary internment"?

DR. SAUTER: The Defendant Von Schirach was, at that time, living in the Tyrol under an assumed name, and in the place where he lived—perhaps Defendant Schirach can himself, but very briefly, tell us how this voluntary internment came about.

VON SCHIRACH: I was then still at liberty and I sent a letter, through my adjutant, to the local American commander, stating that I should like to surrender voluntarily in order to be tried by an Allied court. That was in June 1945. The CIC officer who later discovered where I lived told me that I might have stayed there a good

time longer. I personally am convinced that I could have remained in hiding there, and elsewhere, for years—as long as I wished.

DR. SAUTER: Herr Von Schirach, we shall now revert to your visit to Mauthausen, which you said with certainty and under oath took place in 1942. Is this right?

VON SCHIRACH: I believe the date given by witness Höllriegel is correct. I quite definitely know that the date given by Marsalek is not correct.

DR. SAUTER: Then it was not in 1944?

VON SCHIRACH: Probably 1942. I therefore confirm Höllriegel's testimony. There was a meeting at Linz at which various departments of the Ostmark participated. There were conferences on economic or agrarian problems, and in the late afternoon we went to Mauthausen Concentration Camp at the request of Gauleiter Eigruber. At the time I was rather surprised that the Gauleiter was even in a position to invite us there. I assumed that he had previously been in touch with the SS offices, and that the reason for Eigruber's invitation was that he wished to erect a rifle factory or something of the kind there. At any rate, though I can no longer remember exactly, it was somehow connected with the production of the Steyr Works.

DR. SAUTER: Who showed you about and what did you see?

VON SCHIRACH: We were shown about by the camp commandant.

DR. SAUTER: Whose name was?

VON SCHIRACH: His name—as has already been mentioned here—was Ziereis, or something of the kind.

DR. SAUTER: SS leader?

VON SCHIRACH: SS Camp Commandant. And I should now like to give you my first impressions. The camp area was very large. I immediately asked how many internees there were. I believe I was told 15,000 or 20,000. At any rate, the figure varied between 15,000 and 20,000. I asked what kind of internees were imprisoned there and received the reply I was always given whenever I inquired about concentration camps—namely, that two-thirds of the inmates were dangerous criminals collected from the prisons and penitentiaries and brought to work in the camp; that the remaining third was allegedly composed of political prisoners and people guilty of high treason and betrayal of their country, who, it is a fact, are treated with exceptional severity in wartime.

DR. SAUTER: Did you, in this camp, convince yourself as to the nature of the treatment meted out to the prisoners, accomodations, the food situation, *et cetera*?

VON SCHIRACH: I witnessed one food distribution and gained the impression that, for camp conditions, the food ration was both normal and adequate. I then visited the large quarry, once famous and now notorious, where the construction stone for Vienna had been quarried for centuries. There was no work going on at the quarry since the working day had come to an end, but I did, however, visit the works where the stone was cut. I saw a building with an exceptionally well-equipped dental clinic. This clinic was shown to me because I had questioned Ziereis about the medical assistance afforded in the camp. I would add that, during this visit, I asked in general the same questions which I had been used to ask during all my visits to the camps of the youth organizations—that is, questions pertaining to food, medical aid, the number of people in the camp, *et cetera.*

I was then taken to a large room in which music was being played by the prisoners. They had gathered together quite a large symphony orchestra, and I was told that on holiday evenings they could amuse themselves, each man according to his own tastes. In this case, for instance, the prisoners who wished to make music assembled in that room. A tenor was singing on that occasion—I remember that particularly.

I then inquired about the mortality rate and was shown a room with three corpses in it. I cannot tell you here and now, under oath, whether I saw any crematorium or not. Marsalek has testified to that effect. I would not, however, have been surprised if there had been a crematorium or a cemetery in so large a place, so far removed from the city. That would be a matter of course.

DR. SAUTER: Herr Von Schirach, during this official visit under the guidance of Camp Commandant Ziereis, did you discover anything at all about any ill-treatment, or atrocities, or of the tortures which were allegedly inflicted in the camp? You can answer the question briefly—possibly with "yes" or "no."

VON SCHIRACH: Had that been the case, I would of course have endeavored to do something about it. But I was under the impression that everything was in order. I looked at the inmates, for instance, and I remember seeing, among others, the famous middle-distance runner Peltzer, who was known as a sexual pervert. He had been punished because he had, on innumerable occasions, freely committed sexual offences against youths in his charge in a country school.

I asked Ziereis, "How does one ever get out of these concentration camps? Do you also release people continuously?" In reply he had four or five inmates brought to me who, according to him, were to be released the very next day. He asked them in my

presence, "Have you packed everything, and have you prepared everything for your release?"—to which, beaming with joy, they answered, "Yes."

DR. SAUTER: Witness, can you remember whether on this occasion you also asked Camp Commander Ziereis whether political prisoners from your Vienna district—that is, from the city of Vienna—were interned in the camp? And did you then have a group of political prisoners from Vienna brought before you?

VON SCHIRACH: You have already, Counsel, put this question to me during an interview, and I can only tell you the following under oath: I cannot remember, but you may take it for granted that, on an occasion of this kind, I would certainly ask after prisoners from my own Gau. But I cannot remember. Herr Marsalek mentioned it in his testimony, and I consider it probable.

I should, in connection with this visit, like to add the following: I have always been rather hampered in my recollections of Mauthausen . . .

DR. SAUTER: What hampered you?

VON SCHIRACH: After May 1945 I heard innumerable radio reports on Mauthausen and other concentration camps, and I read everything I could lay my hands on in the way of written reports about Mauthausen—everything that appeared in the press—and I always pondered on the question, "Did you see anything there which might have pointed to a mass destruction of human beings?" I was, for instance, reading the other day about running belts for the conveyance of corpses. I did not see them.

I must add that I also visited Dachau; I must not forget that. In 1935, together with the entire Party leadership group, I paid a visit to Dachau from Munich. This visit was a result of the objections against existing preventive custody measures expressed by certain political leaders to the Deputy of the Führer Hess who, in turn, passed these objections on to Himmler who subsequently sent out an invitation to inspect Dachau. I believe that there were, at that time, 800 or 1,000 internees at Dachau.

I did not participate in the entire official visit for I was conversing with some of the Gauleiter who were being shown about the camp. I saw quite excellent living quarters at Dachau and, because the subject interested me particularly, I was shown the building which housed the camp library. I saw that there were also good medical facilities. Then—and I believe this fact is worthy of mention—after the visit I spoke with many Gau- and Reichsleiter about the impression they had formed of Dachau. All impressions gained were to the effect that all doubts as to Himmler's preventive custody measures were definitely dispersed, and everybody said that

the internees in the camp were, on the whole, better accommodated than they would have been in a state prison. Such was my impression of Dachau in 1935, and I must say that ever since that visit my mind was far more at ease regarding conditions in the concentration camps. In conclusion, I feel I must add the following:

Up to the moment of the final collapse I firmly believed that we had 20,000 people in the Mauthausen Camp, 10,000 at Oranienburg and Dachau—two more large camps whose existence was known to me and one of which I had visited—and possibly 10,000 more at Buchenwald, near Weimar, a camp I knew by name but which I had never visited. I therefore concluded that we had roughly 50,000 people in the German camps, of which I firmly believed that two-thirds were habitual criminals, convicts, and sexual perverts, and one-third consisted of political prisoners. And I had arrived at this conclusion primarily because I myself have never sent a single soul to the concentration camps and nourished the illusion that others had acted as I did. I could not even imagine, when I heard of it—immediately after the collapse—that hundreds of thousands of people in Germany were considered political offenders.

There is something else to be said on the whole question of the concentration camps. The poet Hans Carossa has deposed an affidavit for me, and this affidavit contains a passage about a publisher whom I had liberated from a concentration camp. I wish to mention this because it is one of many typical cases where one exerted one's entire influence to have a man freed from a concentration camp, but then he never tells you afterwards how he fared in the camp. In the course of the years, I have received many letters from people having relatives in the concentration camps. By establishing, in Vienna, a fixed day on which audience was granted to anybody from the population who wished to speak to me, I was able to talk to thousands of people from every class and standing.

On one such occasion I was approached by someone who requested me personally to free some friend or relative in a concentration camp. In cases like that I usually wrote a letter to the Reich Security Main Office—at first to Herr Heydrich and later to Herr Kaltenbrunner—and after some time I would be informed that the internee in question had or had not been released, according to the gravity of the charges brought against him. But the internees released never told me their experiences in the camp. One never saw anybody who had been ill-treated in the camps, and that is why I myself, and many others in Germany with me, was never able to visualize conditions in the concentration camps at all.

DR. SAUTER: Mr. President, this affidavit of the poet Hans Carossa, just mentioned by the defendant, is Document Number

Schirach 3(a). I repeat, Schirach 3(a) of the Schirach document book. It is a sworn affidavit by the poet Carossa, and I ask the Tribunal to put the entire contents of the document into the evidence. In the last paragraph, mention is made of the case about which the defendant has just been speaking—that is, the liberation of a publisher named Suhrkamp from a concentration camp.

THE PRESIDENT: Have you got the page of it?

DR. SAUTER: Page 25 of the document book, Document Number Schirach 3(a)—Hans Carossa. The remainder of this document deals with the humane impression Dr. Carossa received of the defendant, and with Defendant Von Schirach's solicitude for the victims of political persecution.

Witness, how many concentration camps did you know anything about?

VON SCHIRACH: I have just enumerated them: Oranienburg, Dachau, Buchenwald, and Mauthausen.

DR. SAUTER: Was there a concentration camp in your own Gau?

VON SCHIRACH: No.

DR. SAUTER: In connection with this entire group of questions on the treatment of the Jews, I turn to orders allegedly issued in your presence to the camp commandant of Mauthausen in March 1945. It is Document Number 3870-PS, submitted by the Prosecution. According to this document, Himmler in March 1945 is supposed to have issued a directive to the effect that the Jews from the Southeast Wall were to be sent on foot to Mauthausen. Did you have anything at all to do with this?

VON SCHIRACH: I can tell you exactly from memory what Himmler said at that time.

Himmler came to Vienna towards the middle, or the end of March, to talk to the Commander of Army Group South. On this occasion—the Commander of Army Group South was, of course, not stationed in Vienna, he had ordered all the Reichsstatthalter of the Ostmark up to Vienna and granted them full authority to enforce martial law in the future, since Vienna and some of the other Ostmark Gaue had by that time become almost front-line zones. At this conference Himmler told his adjutant to call Ziereis in, while the papers for full powers were being typed in the next room. That is how I came to meet Ziereis for the second time in my life.

And now Himmler did not, as Marsalek said, tell Ziereis that the Jews were to be marched on foot from the Southeast Wall to Mauthausen, but he did say something else which surprised me enormously. He said:

"I want the Jews now employed in industry to be taken by boat, or by bus if possible, under the most favorable food conditions and with medical care, *et cetera,* to Linz or Mauthausen."

I do not quite remember whether he said they should be taken to Mauthausen, but he also said to Ziereis:

"Please take care of these Jews and treat them well; they are my most valuable assets."

From this declaration I assumed, in the very beginning—it was my very first, fleeting impression—that Himmler wished to deceive me in some way or another, and then it became clear to me that with these instructions he was following certain foreign political intentions, in the last moments of the war, in emphasizing the excellent treatment of the Jews.

What Marsalek therefore said about making them go on foot is not correct. As I have already mentioned, Himmler, under all circumstances, wanted the best possible treatment to be given to the Jews. I gained the impression—and later on it was confirmed by other things we heard—that he wished, at the last minute, to somehow redeem himself with this treatment of the Jews.

DR. SAUTER: That was the end of March 1945?

VON SCHIRACH: That was the end of March 1945, on the occasion when authority to apply martial law was granted to the Statthalter of the Ostmark.

DR. SAUTER: Therefore, immediately before the collapse?

VON SCHIRACH: Yes.

DR. SAUTER: In connection with your activities in Vienna there is also an accusation, Witness, brought against you by the Prosecution, to the effect that you participated in the persecution of the Church. This accusation is supported exclusively as far as I can see by Document Number R-146. I repeat, R-146, which has already been submitted by the Prosecution.

This, Witness, is a letter addressed by the witness, Dr. Lammers, who has been heard before the Tribunal, to the Reich Minister of the Interior, dated 14 March 1941, and further, a circular from Bormann, addressed to all the Gauleiter, dated 20 March 1941.

I should like to hear your comments on both of these letters, especially since Dr. Lammers' letter speaks of property belonging to enemies of the people and the state, whereas in Bormann's circular of 20 March 1941 mention is made of the confiscation of Church property—monastic property—*et cetera.* Do you know what led to these letters, and what part did you yourself play in the matter?

VON SCHIRACH: The document written by Dr. Lammers is correct. Bormann's covering letter referred to Church property; I referred to property belonging to enemies of the people and the State, for that was a technical expression at the time. I should like to mention in this matter that when I came to Vienna in 1940 the confiscation of such property was already in full swing; an argument had arisen on the subject between the Gauleiter and the Reich Minister for Finance. The Reich Minister for Finance wanted the confiscated property taken over by the Reich, while I considered that this property should remain fundamentally the possession of the Gaue.

So far as I can remember, I was involved in this question only through the following confiscations: Prince Schwarzenberg possessed property, the greater part of which lay in the region of the Upper Danube; the smaller part was the famous Vienna Palace. Now this Prince Schwarzenberg had refused, in the presence of some German consul general, or consul abroad, to return to Germany and serve in the Army. Thereupon his property was confiscated. In the interest of the Reich I endeavored to maintain this property for the Vienna Reich Gau and to prevent it from passing over to the Reich. I have no files before me, so I cannot from memory give you any information about other, similar actions.

I am not responsible for confiscations in the other Austrian Gaue. But I may state one thing here—namely, that I put an end to all confiscations throughout the entire Reich. When, through an intermediary, women from an Austrian convent appealed to me for help, I asked my father-in-law to act behind Bormann's back and explain to Hitler the disastrous political effects which these confiscations would have and to beg him to issue a direct order for their suppression. This was achieved, and when the order was put through, Bormann turned against my father-in-law as well. From then on I never had any further opportunity to bring this question to the Führer's notice.

DR. SAUTER: Witness, you have not, so far, quite explained your attitude toward Dr. Lammers' letter of 14 March 1941. To refresh your memory I should like to read out the first sentence of that letter. This letter of Lammers' dated 14 March 1941, Document Number R-146, states, and I quote:

> "The Reichsstatthalter and Gauleiter Von Schirach, together with Dr. Jury and Eigruber, has recently complained to the Führer that the Reich Minister for Finance is still of the opinion that the seizure of property belonging to enemies of the state and people should be effected in favor of the Reich, and not in favor of the Reich Gau."

Thus runs the quotation.

And because of this incident the Prosecution have accused you of participating in the persecution of the Church in Vienna. I must request you to tell us what you really did do in the matter.

VON SCHIRACH: Well, the Church in Vienna had actually been persecuted under my predecessor, Bürckel, and this can be proved. I mentioned yesterday the demonstrations before the Archbishop's Palace. But from the day of my arrival in Vienna, anti-Church demonstrations in the nature of a political agitation no longer took place. Immediately upon my arrival I gathered all the political officials and all my other colleagues of the Gau and demanded that they should never, either in writing or by word of mouth, express anything likely to offend the religious sentiments of other people. I believe that this is a fact which was gratefully noted by the entire population of Vienna. From that day on there were no further actions against the Church. Just how much Church property, though, was called in in compliance with the law for special war contributions, a law which likewise applied to other property—I cannot tell you without documentary evidence.

DR. SAUTER: Witness, we can see from this document that you must have spoken on the subject to Hitler personally . . .

VON SCHIRACH: Yes.

DR. SAUTER: . . . because it states that the Reichsleiter and Gauleiter Von Schirach complained to Hitler on the subject. You have not said anything to us about that so far.

VON SCHIRACH: Yes, I myself, during a visit by Hitler to Vienna where he signed a southeast pact, told him I was of the opinion that the property confiscated belonged to the Gaue and not to the Reich. That was my point of view and one which I believed to be entirely correct.

DR. SAUTER: Witness, the Indictment further accuses you of having had some kind of connection with the SS, thereby promoting the SS, *et cetera*. Were you yourself ever a member of the SS?

VON SCHIRACH: No.

DR. SAUTER: Did Himmler, the leader of the SS, have any influence over the youth organizations and over the education of the young people?

VON SCHIRACH: No.

DR. SAUTER: Were the replacements in the SS, especially in the SS Leadership Corps, recruited from the HJ, and if so, why?

VON SCHIRACH: The replacements in all the leadership corps in Germany were recruited from the youth. Our youth organization was a state institution. You now are probably referring to an agreement which I had with Himmler on the patrol services?

DR. SAUTER: Yes, that too plays a part in this connection.

VON SCHIRACH: Agreements of that sort . . .

DR. SAUTER: Just one more moment, Herr Von Schirach. This agreement is entered in the documents of the Prosecution as Number 2396-PS. I repeat 2396-PS, in which a special statement occurs—and I should appreciate your comments on the subject—to the effect that the SS received their replacements from the patrol service of the HJ, allegedly by an agreement of October 1938. Please tell us about it and explain to us what actually was this patrol service.

VON SCHIRACH: The patrol service was one of the special units of the HJ which I forgot to mention yesterday. The patrol service was a youth service for keeping order. It consisted of outstandingly decent lads who had no police duties—I now refer to documentary reports which I procured—but who had to supervise the general behavior of the young people, examine their uniforms, control the visits of the boys to the taverns; and it was their duty to inspect the HJ hostels for cleanliness and neatness, to supervise the hiking expeditions of the young people and the youth hostelries in the country. They stood guard and were on order duty at mass meetings and demonstrations. They watched over encampments and accompanied the convoys. They were employed in the search for youths who were lost. They gave advice to traveling youth, attended to station service, were supposed to protect young people from criminal elements, and, above all, to protect national property—that is, woods, fields, for instance—and to see that they were safe from fires, *et cetera.*

Since Himmler might make trouble for this section of the youth organization, I was interested in having the Police recognize my patrol service; for in my idea of the State youth as a youth state, the Police should not be employed against the youth, but these young people should keep order among themselves. That this principle was a sound one can be judged from the immense decline in juvenile delinquency from 1933 up to the outbreak of the war.

DR. SAUTER: Witness . . .

VON SCHIRACH: One moment, I have not yet finished. After this agreement . . .

THE PRESIDENT: Surely, Dr. Sauter, we have heard enough about this unit. The whole point of the document was that they were used for recruiting for the SS, wasn't it? That is the complaint of the Prosecution.

DR. SAUTER: Yes, the patrol service . . .

THE PRESIDENT: We have heard at considerable length the description of what they did in the way of the protection of the youth. Surely we have heard enough about that.

DR. SAUTER: Mr. President, these so-called special units were specially mentioned by the Prosecution as a means for preparation for war—that is, as a means for the military training of the young people. In this connection all these special units were mentioned, and therefore we considered it necessary that the defendant inform you what this patrol service really was. But I can, Mr. President, set this topic aside immediately.

THE PRESIDENT: We have heard what they were at some considerable length.

DR. SAUTER: Very well.

Witness, from which departments did the SS mainly recruit its leader replacements?

VON SCHIRACH: In order to assure its leader replacements, the SS founded its own training schools which were entirely outside my influence. They were the so-called National Socialist Training Institutes.

DR. SAUTER: In connection with the SS, the Prosecution, Witness, mentioned a further agreement between you and Reichsführer SS Himmler, an agreement of December 1938, submitted as Document Number 2567-PS, the so-called "Landdienst" of the HJ. Why was this agreement concluded with the Reichsführer SS?

VON SCHIRACH: It is very hard to give a brief answer. The Reichsführer SS was a farmer with an agronomical degree. In his student days he had belonged to the so-called "Artaman Movement," whose program it was to prevent the flight from the land, and he was particularly keen to collaborate within the SS with the farm labor service groups of the HJ who were doing the same work as the "Artaman" groups in the past.

In conclusion, I should like to say about the "Landdienst" and the patrol service, that no coercion was ever brought to bear on the young people to enter the SS. Any lad from the patrol service was, of course, free to become a member of the SA or of the NSKK—and frequently did so—or else become a political leader just like any other boy from the farm labor service or the Hitler Youth.

DR. SAUTER: Witness, the Indictment states, *inter alia,* that a directive was addressed to the political leaders demanding that the Hitler Youth Leaders—that is, the leaders subordinate to you—be employed on their staffs. What can you say to that?

VON SCHIRACH: I can only say in reply that this is one of many attempts by the Party Chancellery to bring the Youth Leadership into the political leadership. The practical result of the directive was that a number of youth leaders were given insignificant duties as adjutants. They complained to me, and I withdrew them from these posts. It is a historical fact that in Germany there was no real flow of people from the youth organization into the political leadership. I can personally name those youth leaders who came into the political leadership, there were so few of them.

DR. SAUTER: Witness, the Soviet Prosecution have submitted a document, Document Number USSR-6, which is a report from the Lemberg Commission. Herein the following fact is mentioned. A French woman, Ida Vasseau, the head of an asylum for old people in Lemberg, testified in writing—I am only quoting the gist of the affidavit—that ghetto children were handed over as presents to the Hitler Youth and that these children were then used as living targets by the HJ for their drill practice. In all the time that you were active in the Reich Youth Leadership, did you ever hear of such misdemeanors or excesses?

VON SCHIRACH: No. We are dealing here with the first and, so far, the only accusation of crimes committed by the HJ which has been brought to my notice. There were no HJ commandos, either in the East or in the West, capable of committing such crimes. I consider the statements in this affidavit as absolutely untrue, and that is all I can say on the matter.

DR. SAUTER: Witness, in the course of his examination your fellow-Defendant, Dr. Schacht, mentioned that a suggestion had been made in his time to Mr. Eden, to divest the SS, the SA, and the HJ of their military character if the other powers would consent to disarm. What do you know of such proposals or negotiations?

VON SCHIRACH: I know of no such offer, as far as the Hitler Youth is concerned. I consider it entirely out of the question that any such offer could have been received by Mr. Eden regarding the HJ; for Hitler himself did not consider the HJ as a military or even a semimilitary organization. The disarming of the HJ could factually never have taken place since the only weapon carried by the Hitler Youth was the camping knife, the equivalent of a Boy Scout's bowie knife of the Jungvolk Pimpfe (boys of 10-14 years of age).

DR. SAUTER: Witness, the Prosecution further charge that you, in 1933, concluded an agreement with the VDA—an abbreviation for the "Verein für das Deutschtum im Ausland." Is that true? And what was your intention in concluding this agreement?

VON SCHIRACH: That is true. I do not wish to express an opinion on the aims and objects of the VDA. I believe that counsel for the Defendant Frick has already done so. I refer to these statements and merely state that it was my perfectly natural wish to incorporate in the HJ the numerically powerful group of lads belonging to the VDA. The majority of these youths, moreover, had graduated from the public schools, and it was my second intention to place some of my collaborators on the board of the VDA so as to be currently informed about the young people abroad.

DR. SAUTER: The Prosecution further accuse you of having founded the so-called Adolf Hitler Schools where the training of young leaders for the National Socialist State and for the Party was carried out. What have you to say to this accusation?

VON SCHIRACH: There is a lot that I could say about that accusation, but I shall limit myself to essential remarks only.

The Adolf Hitler Schools were founded as scholastic units of the HJ. They were founded with the means which Dr. Ley placed at my disposal when I told him of my plans for the training I had envisaged. These schools were not intended to train leaders for the Party exclusively but served to prepare the youth for all the professions. I myself often talked to these boys on their graduation and I always told them "You can choose any profession you like. Your training in this school carries no obligation, either moral or otherwise, to become a political leader." *De facto,* relatively few political leaders emerged from the Adolf Hitler Schools. Very many of the boys became doctors, officials, *et cetera.* I cannot quote any figures from memory, but the communications I have received from the young people, including statements from teachers in the Adolf Hitler Schools, show their attitude towards this point of the Indictment. And I should like to ask that at least 50 to 60 of these numerous affidavits, which confirm all that I have said, be submitted in support of my declarations.

DR. SAUTER: Witness, one more question on a different topic. Did you ever receive any so-called endowment funds, or anything of that kind, from Hitler or from other sources?

VON SCHIRACH: No, I never received any endowment funds.

DR. SAUTER: Did you ever receive gifts in kind, such as valuable paintings or other costly gifts?

VON SCHIRACH: The only thing Hitler ever gave me was his photograph on the occasion of my thirtieth birthday.

DR. SAUTER: His photograph—presumably with a few words of dedication?

VON SCHIRACH: Yes.

DR. SAUTER: Now I have a few final, very brief questions to ask you—they refer to the last days of your activities in Vienna. You have already mentioned, in connection with Himmler's visit to Vienna at the end of March 1945, that you had at that time received from Himmler the so-called authority for the proclamation of martial law. If I have understood you correctly, you, in your function of Reich Defense Commissioner, were authorized to convene a drumhead court martial?

VON SCHIRACH: Yes, and that made me lord of life and death.

DR. SAUTER: As far as I know, this drumhead court martial was only supposed to pass death sentences?

VON SCHIRACH: Yes.

DR. SAUTER: Did you ever convene this drumhead court martial in Vienna, and did you appoint the members?

VON SCHIRACH: I appointed the members of the court martial. An outstanding lawyer was the president. I never convened the drumhead court martial and I never once imposed a death sentence. If I remember rightly, the military court martial of the local military commandant passed four death sentences on four military traitors. My court martial never met and never passed a death sentence.

DR. SAUTER: Had you any connection with the military drumhead court martial?

VON SCHIRACH: No. The Vienna commandant was, of course, president of that particular court, and I was the head of court martial "Schirach."

DR. SAUTER: You said you had a distinguished lawyer as your president?

VON SCHIRACH: Yes.

DR. SAUTER: What was his profession?

VON SCHIRACH: I think he was president of a district court, or something of the kind. I cannot quite remember; I have forgotten.

DR. SAUTER: So he was an official Viennese judge?

VON SCHIRACH: Yes.

DR. SAUTER: Did you give the order, in Vienna, to have certain vitally important factories either blown up or destroyed as so often happened in other Gaue, as for instance, here in Nuremberg?

VON SCHIRACH: No. It has escaped my knowledge, that much I must admit, how far crippling and destructive measures were

executed in the military and armament sectors, pursuant to direct instructions from the Reich Government. For instance, the dynamiting of bridges was a military precaution. The order could never have emanated from me. Hitler reserved for himself the right to issue the orders for blowing up the bridges over the Danube. The Chief of Army Group South, Generaloberst Rendulic, prior to giving the order for blowing up these bridges, had to consult the Führer's headquarters by telephone.

DR. SAUTER: When did you yourself leave Vienna?

VON SCHIRACH: I left Gau Vienna after the withdrawal of the last troops from the city and after the command post of the 2d corps of the 6th SS Panzer Army had been moved to the region of the Lower Danube.

DR. SAUTER: When was that?

VON SCHIRACH: That was—sorry, I cannot remember the date offhand. It was toward the end of the battle for Vienna.

DR. SAUTER: And now I have one last question to ask you. You know that the order went out from the Party Leadership and from circles of the Reich Chancellery to stage a "Werewolf" movement for fighting the advancing troops. What was your attitude towards this movement?

VON SCHIRACH: I prohibited any Werewolf organization in my Gau, but to avoid misunderstandings I must tell you that there was a youth battalion, a Volksturm battalion, which bore the name of "Werewolf," but there was no Werewolf unit. I invariably refused, both for the young people and the adults, permission to participate in any form of combat contrary to the decrees of international law.

DR. SAUTER: Mr. President, I have no further questions.

THE PRESIDENT: Does any other member of the defendants' counsel want to ask any questions?

DR. ALFRED THOMA (Counsel for Defendant Rosenberg): Witness, what was the attitude of Rosenberg, as the Führer's Plenipotentiary for the Ideological Education of the Party, toward the Reich Youth Leadership?

VON SCHIRACH: I believe that the Chief of the Department for Ideological Education in the Reich Youth Leadership had to attend, on an average, two, perhaps three, meetings per annum, also attended by educational leaders from other Party organizations. These meetings took place under the chairmanship of Reichsleiter Rosenberg. On these occasions, as I have been told by the chief of the department, Rosenberg was wont to lay down general

instructions and directives and ask for reports on the educational work of the individual organizations.

DR. THOMA: Did Rosenberg select specific subjects to be lectured on at these meetings?

VON SCHIRACH: That I do not know for certain. At these meetings of the Youth Leadership representatives, at which Rosenberg spoke once a year, he usually selected educational themes, themes dealing with character training. He would, for instance, speak about solitude and comradeship and, as far as I remember, about personality, honor, *et cetera.*

DR. THOMA: Did Rosenberg at these meetings mention the Jewish problem and the confessional question?

VON SCHIRACH: During these Youth Leadership sessions he never made any speeches against the Jews, nor did he, as far as I can remember, ever touch on the subject of the confession—at least, not in my presence. I usually heard him speak on subjects such as I have just enumerated.

DR. THOMA: Witness, did you read Rosenberg's *Myth of the Twentieth Century?* And if so, when?

VON SCHIRACH: No, I began to read it, but I did not read the whole book.

DR. THOMA: Did this Rosenberg's *Myth* make any impression on the young people or did other leaders have experiences similar to your own?

VON SCHIRACH: The youth leaders certainly did not read the *Myth of the Twentieth Century.*

DR. THOMA: I have no more questions.

THE PRESIDENT: Does any other defendant's counsel want to ask questions? Or perhaps we had better adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. SERVATIUS: Witness, you have already stated in connection with Sauckel's directive regarding employment of labor that you were flooded with such directives. Were these directives carried out?

VON SCHIRACH: As far as my own information goes, I can confirm that. I had the impression that the functionaries of the labor employment administration felt that they had to keep strictly to Sauckel's orders, and in those industrial plants which I visited I was able to ascertain that the requirements stated in the directives were in fact fulfilled.

DR. SERVATIUS: Did Sauckel himself take steps to insure that these things were carried out?

VON SCHIRACH: Yes. I remember that Sauckel once came to Vienna—I think in 1943—and that on that occasion he addressed all his labor employment functionaries and repeated orally everything which he had stated in his directives. He spoke of the foreign workers in particular, demanding just treatment for them; and I remember that on this occasion he even spoke of putting them on the same footing as German workers.

DR. SERVATIUS: I have a few more questions about the political leaders. How were political leaders on the Gauleiter level informed? Did the Gauleiter have individual interviews with the Führer, especially in connection with the Gauleiter assemblies?

VON SCHIRACH: No. After the Gauleiter assemblies the Führer always held forth in a comparatively large circle just as he did in his speeches. Interviews in the real sense of the word did not exist. He always made speeches. Fixed dates on which Gauleiter could have interviews with Hitler almost ceased to exist once the war had begun.

DR. SERVATIUS: Could not a Gauleiter approach Hitler personally and ask for an interview?

VON SCHIRACH: He could ask for an interview, but he did not get it; he received an answer from Bormann, usually in the form of a telegram. That happened to me very frequently, because I made such requests; one was asked to submit in writing the points one wanted to discuss, after which one either received an answer or did not receive one.

DR. SERVATIUS: Witness, a letter has been submitted here as Document D-728, signed or initialed by Gauleiter Sprenger. You were here when it was submitted and you know the document. I have two questions concerning it.

Do you know anything about a list, which was to be compiled, containing the names of those suffering from heart and lung diseases, who were to be removed from the population?

VON SCHIRACH: No, I know nothing about that.

DR. SERVATIUS: Or that you were to make suggestions for this to the Führer?

VON SCHIRACH: No.

DR. SERVATIUS: In my opinion that document also contains an error which has already been mentioned here, namely, the word "Herr" as a form of address. This letter was addressed to the "Herren Ortsgruppenleiter," and repeated mention is made of the "Herren Kreisleiter and Ortsgruppenleiter" in the text. I ask you now if the expression "Herr" was customary in Party language?

VON SCHIRACH: No, I have never known a Party document with the exception of this one, which I consider a fraud, in which the term "Herr" was used.

DR. SERVATIUS: You are therefore of the opinion that that designation proves in itself that the document is false?

VON SCHIRACH: Yes.

DR. SERVATIUS: I have no further questions.

DR. STEINBAUER: Herr Von Schirach, your predecessor as Gauleiter was Josef Bürckel. What sort of relations existed between Bürckel and Seyss-Inquart?

VON SCHIRACH: I can only repeat what was generally known in the Party about relations between them. They were extremely bad, and all of us had the impression that from the very beginning Bürckel worked hard to push Seyss-Inquart out.

DR. STEINBAUER: Which one of the two really had the power in his hands?

VON SCHIRACH: Bürckel, undoubtedly.

DR. STEINBAUER: Who, in your opinion and according to the actual information you obtained from the files, is responsible for the persecution of Jews in Vienna?

VON SCHIRACH: Hitler.

DR. STEINBAUER: All right. You say Hitler; but Hitler was not in Vienna. Who carried out these orders in Vienna?

VON SCHIRACH: In my opinion, these orders were carried out —even during Bürckel's and Seyss-Inquart's time—by the same man who has already been mentioned here once today and who, in the meantime, has been condemned to death in Vienna—Dr. Brunner.

DR. STEINBAUER: Good. Are you aware that Seyss-Inquart repeatedly protested to Bürckel about excessively severe measures and quarreled with Bürckel on account of that?

VON SCHIRACH: I cannot say anything about that. I do not know.

DR. STEINBAUER: My client has been accused in a document of presenting to Adolf Hitler tapestries, among them Gobelins, formerly in the Emperor's possession. Do you know anything about that?

VON SCHIRACH: I know this: In the large collection of Gobelins in Vienna, there were two sets depicting Alexander's victory. The inferior series was loaned by Reich Governor Seyss-Inquart to the Reich Chancellery, where it hung in the lobby.

DR. STEINBAUER: So it was a loan and not a definite gift, which would have entailed a loss for Vienna?

VON SCHIRACH: In the catalog of the Gobelin collection this set was marked as a loan.

DR. STEINBAUER: Are you aware that other Gobelins were put at the disposal of the Reich—that is to say, at Adolf Hitler's disposal—by Seyss-Inquart?

VON SCHIRACH: No, I was not aware of it.

DR. STEINBAUER: But maybe you know who did take away other such Gobelins and tapestries?

VON SCHIRACH: I assume that you allude to Bürckel.

DR. STEINBAUER: Yes.

VON SCHIRACH: I do not know for certain whether Bürckel took Gobelins. When I took up my appointment in Vienna, I found that Bürckel had taken from the imperial furniture depot a number of pieces of furniture including, I believe, some carpets, not for his personal use but for a Viennese house which he intended to establish in Gau Saarpfalz as a sort of clubhouse.

I therefore approached the competent office in Berlin—I do not know whether it was the Reich Finance Ministry or the Reich Ministry of Culture—and when I was not successful there, I approached Hitler himself. In the end I succeeded in having Bürckel ordered to return these objects to Vienna at once; I cannot say with certainty whether these objects were in fact returned. I know that he received injunctions to return them and I assume that these objects were really returned later.

DR. STEINBAUER: All right. You know from statements which I have made to your defense counsel that we Austrians always hated Bürckel intensely for a number of very good reasons and that in fairness it must be admitted that many things, including, for

instance, the city's food supplies, improved after you took over. For this reason it seems to me all the more important to clear up completely the most serious charge against you. You have been made responsible in your capacity of Reich Defense Commissioner for the destruction of the most valuable monuments in Vienna. I ask you: On 2 April, when your deputy Scharizer and Engineer Blaschke, the National Socialist mayor, wanted to declare Vienna an open city as the Red Army approached, did you oppose them and give orders that Vienna must be defended to the last? Or who gave that order?

VON SCHIRACH: Neither Blaschke nor Scharizer expressed the view that Vienna should be declared an open city. There was . . .

THE PRESIDENT: Dr. Steinbauer, the Tribunal understands you are appearing for the Defendant Seyss-Inquart?

DR. STEINBAUER: Yes, because this is a War Crime and in the light of conspiracy he is responsible for everything and the main charge made against Herr Von Schirach must be clarified—that is, we must find out who actually gave this order which did so much harm.

THE PRESIDENT: Well, but you just said that you were not asking the questions in defense of Seyss-Inquart, but in defense of Von Schirach. I do not think that the Tribunal really ought to have the defense of Von Schirach prolonged by questions by other counsel. We have already had his defense for a considerable time presented by Dr. Sauter.

DR. STEINBAUER: Then I shall not put this question.

Do you also remember what attitude Seyss-Inquart adopted on Church matters when dealing with Bürckel?

VON SCHIRACH: I know only that Dr. Seyss-Inquart, generally speaking, was considered a man with Church ties. That this brought him into conflict with Bürckel is quite obvious to me. I cannot go into details.

THE PRESIDENT: Does the Prosecution wish to cross-examine?

MR. DODD: Mr. Witness, we understood you this morning to make a statement in the nature of a confession with respect to, at least, the persecution of the Jews; and while that part of it that you gave was perhaps bravely enough said, I think there is much of it that you neglected to say, perhaps through oversight.

Now, I wish you would tell the Tribunal whether or not it is a fact that your responsibility for young people in Germany under the National Socialists was fundamentally concerned with making really good National Socialists out of them, in the sense of making them fanatical political followers.

VON SCHIRACH: I considered it my task as educator to bring up the young people to be good citizens of the National Socialist State.

MR. DODD: And ardent followers and believers in Hitler and his political policies?

VON SCHIRACH: I believe I already said this morning that I educated our youth to follow Hitler. I do not deny that.

MR. DODD: All right. And while you said to us that you did not have the first responsibility for the educational system, I am sure you would not deny that for all of the other activities with which young people may be concerned you did have first responsibility?

VON SCHIRACH: Out-of-school education was my responsibility.

MR. DODD: And, of course, in the schools the only people who taught these young people were those who were politically reliable in keeping with Hitler's opinions and beliefs and the teachings of National Socialism?

VON SCHIRACH: The teaching staffs of German schools were definitely not homogeneous bodies. A large part of the teaching body belonged to a generation which had not been educated on National Socialist lines and did not adhere to National Socialism. The young teachers had been educated on National Socialist principles.

MR. DODD: Well, in any event, you are not saying, certainly, that young people under the public educational system of Germany were not, at all times, under the guidance of those who were politically reliable, certainly after the first year or two of the administration of Hitler and his followers, are you?

VON SCHIRACH: Would you please repeat the question? I did not quite understand.

MR. DODD: What I am trying to say to you is that there is not any doubt in your mind or in ours that the public school system of Germany was supervised, for the most part at least, by people who were politically sound insofar as National Socialism is concerned.

VON SCHIRACH: I should not care to say that. Educational administration in Germany was supervised by Reich Minister Rust, who—and this is a fact—for reasons of ill health took very little interest in his official duties. Many thousands of older men were employed in connection with educational administration. They had received their appointments long before the days of the National Socialist State and had retained them throughout.

MR. DODD: I do not care whether they were old or young or how long they had been in office. They all took an oath to Hitler, did they not?

VON SCHIRACH: That is correct; inasmuch as they were civil servants, they all took their oath as such.

MR. DODD: Rosenberg had a very considerable influence on young people in Germany, did he not?

VON SCHIRACH: I do not believe that. I think you are estimating my Codefendant Rosenberg's influence on youth quite wrongly—meaning that you are overestimating it. Rosenberg certainly had some influence on many people who were interested in philosophical problems and were in a position to understand his works. But I must dispute the extent of the influence which you are ascribing to him.

MR. DODD: You publicly said on one occasion that the way of Rosenberg was the way of the Hitler Youth, did you not?

VON SCHIRACH: That was, I believe, in 1934 . . .

MR. DODD: Never mind when it was. Did you say it or not?

VON SCHIRACH: I did say it.

MR. DODD: When was it?

VON SCHIRACH: That was in Berlin, at a youth function there. But later I myself led youth along an entirely different path.

MR. DODD: Well, we will get around to that a little later. But in any event, on this occasion in Berlin, when you had a large group of your youth leaders present, you were doing your best, at least, to have them understand that the way of Rosenberg was the way that they should follow?

VON SCHIRACH: But those were the same youth leaders who later received different instructions from me.

MR. DODD: Well, I dare say that may be so. We will get around to those different instructions; but on this occasion and at that time, insofar as you were concerned, you wanted them to understand that they were to follow Rosenberg's way, didn't you?

VON SCHIRACH: Yes, but this way only affected one quite definite point, which was under discussion at that time, namely, the question of denominational youth organizations. Rosenberg and I agreed on this point, whereas we differed on many others; and it was to this point that the statement referred.

MR. DODD: Rosenberg's way certainly wasn't the way of young people remaining faithful to their religious obligations or teachings, was it?

VON SCHIRACH: I would not like to say that.

MR. DODD: What do you mean? You don't know?

VON SCHIRACH: I can say in so many words that I have never heard Rosenberg make any statement to the effect that young people should be disloyal to their religious convictions.

MR. DODD: Well, I don't know that he ever said it that way either; but I think you do know perfectly well, as many other people who were outside of Germany through all of these years, that Rosenberg was a violent opponent of organized religious institutions. You don't deny that, do you?

VON SCHIRACH: I certainly do not deny that in principle, but I do not think that it can be expressed in these terms. Rosenberg in no way tried to influence youth to withdraw from religious societies.

MR. DODD: And later on, actually—aren't you willing to now say that later on, and perhaps at that time, in a secret and indirect sort of way you played Rosenberg's game by arranging youth affairs at hours when Church ceremonies were going on?

VON SCHIRACH: I deny absolutely that I worked against the Church in such a way. In the years 1933-34, I was concerned mainly with the denominational youth organizations. I explained that here yesterday.

MR. DODD: I know. You garbled them up, and they all had to join your organization sooner or later. But I am not talking about that now. What I am trying to say is—and I think you must agree—that for a considerable period of time you made it really impossible for young people of certain religious belief to attend their Church services, because you scheduled your youth affairs at which attendance was compulsory.

VON SCHIRACH: No, that is not correct.

MR. DODD: You say that is not so? Didn't the Catholic bishops publicly object to this very sort of thing, and don't you know it as well as I do?

VON SCHIRACH: I cannot recall that.

MR. DODD: You do not recall any Catholic clerics objecting to the fact that you were scheduling your youth affairs on Sunday mornings when their clerics were holding services?

VON SCHIRACH: In the course of time, as I explained yesterday, many clergymen either approached me personally or complained in public that they were hampered in their spiritual ministration by the youth service and the forms which it took; and that is why I adjusted matters in the way shown by the document which my counsel submitted to the Court yesterday.

MR. DODD: Well, I don't think that is altogether an answer; and perhaps I can help your memory by recalling for you that your organization specifically provided that these young people, who were attending church on Sunday, could not go in uniform; and that was a very purposeful thing, wasn't it, because they could not get out of church and get to their youth attendance places at all if they had to go home and change their clothes.

VON SCHIRACH: But in many parishes the Church authorities forbade young people wearing uniform to enter the church.

MR. DODD: Well, I am not going to argue about it with you. Your answer is that you don't recall any frequent and strong criticism and objection from churchmen about this particular Sunday morning program. Is that the way you want to leave it?

VON SCHIRACH: I certainly do not mean that. There were periods of great tension, periods of heated argument, just as there was a stormy period in youth organization generally. Later, all these things were satisfactorily settled and put in order.

MR. DODD: Now, I understood you also to say that, whatever else you may have done with the young people of Germany during the years over which you had control of them, you certainly did not prepare them militarily in any sense, in any sense ordinarily accepted as being military; is that so?

VON SCHIRACH: That is correct.

MR. DODD: Well, now, let's see. What was the name of your personal press expert, or consultant, if you prefer that term?

VON SCHIRACH: The press expert who worked with me longest was a Herr Kaufmann.

MR. DODD: And you have asked him—as a matter of fact, you do have an interrogatory from him, don't you, which will be submitted. I assume you know about that, don't you?

VON SCHIRACH: I know that my counsel has applied for it, but I do not know the answers which Kaufmann gave.

MR. DODD: Well, you know the questions he asked, don't you?

VON SCHIRACH: I do not remember them.

MR. DODD: Well, perhaps if I remind you of one or two you will remember. You asked him if he ever put out any press releases without your authority. You asked him if he wasn't your personal press consultant. And you asked him if it wasn't true that you personally gave him the directive for what you wanted published in the press, and particularly in the youth press. Do you remember those questions?

[There was no response.]

MR. DODD: But you don't know the answers; is that it?

[There was no response.]

MR. DODD: Well, do you know that he published in the SS official publication in September of 1942 an article about the young people and the youth of Germany?

VON SCHIRACH: I cannot remember that article.

MR. DODD: Well, I think that you had better have a look at it. It is Document 3930-PS. That becomes USA-853, Mr. President.

Now, this document which I am showing you is a telegram, of course, a teletype message, "Reich Governor in Vienna." You will see at the top that it was received by you on 10 September 1942, and it sets out a copy of the subject for the body of this article for the editorial staff of the *Schwarzes Korps*. That is the SS magazine, as you recall.

Now, you will see from reading it, and in the very first part it states that a high-ranking officer who had come back to Berlin from Sevastopol said that the youngsters who had been seen some 4 years ago in short pants marching through German cities singing "Yes, the flag is more than death," were the 19-year-olds who took that city of Sevastopol.

The article goes on to say that the lads are fulfilling in fighting what they promised in singing and that the National Socialist movement had brought up a young generation, filling them with faith and self-denial, and so on. And then the rest of it goes on in substance to say that there were people who objected to your program at the time that you were trying to make these youngsters strong.

The clear meaning of it is that you are now claiming credit for having had something to do with making them the good 19-year-old fighters who took Sevastopol, isn't that so? You are claiming credit, I say, in this article for having produced this kind of 19-year-old boy.

VON SCHIRACH: I had no knowledge of this article up to now.

MR. DODD: Well, you do now. You can talk about it, certainly.

VON SCHIRACH: That is just what I want to do. Herr Kaufmann at that time had just returned from the Eastern Front, and under the impression of what he had experienced out there he wrote down what appears in this article, which I cannot possibly read now in its entirety.

MR. DODD: Well, it isn't very long. Really I read what I think are the most important parts of it insofar as you are concerned.

VON SCHIRACH: That the youth was trained in a military way I believe is not mentioned in one single sentence in that entire article.

MR. DODD: Oh, I know. I am simply asking if it isn't a fact that you were claiming credit in this article for having had something considerable to do with the fact that these 19-year-old boys were such good fighters in Russia. That is all I am asking you.

VON SCHIRACH: I have already told you that I wanted to train the youth to become good citizens, and that I wanted to train them to be good patriots, who did their duty in the field later on.

MR. DODD: All right.

VON SCHIRACH: And should also do their duty in the field.

MR. DODD: Well, your answer then is, yes, you were claiming credit for the fact that they were such good fighters. Now, there is no trick in this question. It is merely preliminary, and I want to get on, but I think you might say "yes." And incidentally, this song, "The flag is more than death," was a song that you wrote, wasn't it?

VON SCHIRACH: The "Flag Song" which I based on the refrain "The flag is more than death." That is true.

MR. DODD: Now, you have also published a number of other songs for young people, in the formative days before the war started, in a songbook.

VON SCHIRACH: A great many songbooks for young people were published. I do not know them all.

MR. DODD: No, I don't either, but I am asking you if it isn't a fact that you did publish songbooks for young people.

VON SCHIRACH: Both the Cultural Service of the Reich Youth Leadership and the Press Service published such books. Of course, I did not look at each single song in them myself; but on the whole I believe that only songs which were sung by young people appeared in these books.

MR. DODD: All right. We have some extracts from one of your songbooks, and there is only one that I wish to refer to. Do you remember the one "Forward, Forward," that you wrote, by the way; another one that you wrote. Do you remember that song?

VON SCHIRACH: "Forward, Forward" is the Flag Song of the youth organization.

MR. DODD: All right. Did you write it?

VON SCHIRACH: Yes.

MR. DODD: Well, now, certainly that also contains, does it not, highly inciting words and phrases for young people with respect to their military duty?

VON SCHIRACH: The Flag Song of the youth organization? I cannot see that?

MR. DODD: Well, words, like these: "We are the future soldiers. Everything which opposes us will fall before our fists. Führer, we belong to you," and so on. Do you remember that?

VON SCHIRACH: I did not say: "We are the future soldiers," as I hear now in English, but "We are the soldiers of the future."

MR. DODD: All right.

VON SCHIRACH: The soldiers of the future, the bearers of a future.

MR. DODD: All right, but that is another one of your songs, isn't it?

VON SCHIRACH: That is a revolutionary song dating from the fighting period; it does not refer to a war between, say, Germany and other powers, but to the fight which we had to carry on inside the country in order to achieve our revolution.

MR. DODD: All right, we will see. Do you remember the one, "Can you see the dawn in the East?" Do you remember that song?

VON SCHIRACH: That is not one of my songs.

MR. DODD: It is one of the songs in the Hitler Youth Songbook, is it not?

VON SCHIRACH: That is an old SA song dating from 1923-24.

MR. DODD: Well, that may be. I am only asking you, isn't it a fact that it was in your official songbooks for your young people?

VON SCHIRACH: Yes.

MR. DODD: It is in that song that you vilify the Jews, is it not?

VON SCHIRACH: I do not remember that. I would have to see the song.

MR. DODD: Well, I can show it to you, but perhaps if you recall it we can save a little time. Don't you remember that the second stanza says, "For many years the people were enslaved and misguided, traitors and Jews had the upper hand?" Do you remember those words in that song? "People to Arms" is the next one.

VON SCHIRACH: Yes, but I am not sure if that was published in a youth songbook.

MR. DODD: I can assure you that it was; and if you would like to see it, we have it here.

VON SCHIRACH: It is a very well-known SA song, which was sung by the young people, and was therefore included in the youth songbook.

MR. DODD: All right, that is all I wanted to find out. I don't care where it originated. It is the kind of song you had in your songbook for young people.

VON SCHIRACH: I should like to say one more thing. The songbook which I have here was published in 1933.

MR. DODD: Yes?

VON SCHIRACH: I do not believe that the youth organization which I built up can be judged from the year 1933 only.

MR. DODD: I don't suggest that either, but we found it in 1945.

VON SCHIRACH: Later we published other songbooks, with very different songs.

MR. DODD: Yes, I am going to get around to these in a minute.

That songbook was 3764-PS, USA-854. It has just been called to my attention that the last phrase in that fourth stanza says: "Germany awake! Death to Jewry! People to arms!"

VON SCHIRACH: One moment, please; where is that?

MR. DODD: In the English text, in the fourth stanza. I don't know where it would be; it is on Page 19, I am told, of the German text. Did you find it?

VON SCHIRACH: No.

MR. DODD: Well, maybe it is the wrong document. In any event, we will find it for you. However, you remember the song, do you not? You don't deny that it says "Death to the Jews," and so on, do you, in that song?

VON SCHIRACH: That is the song that starts with the words, "Can you see the dawn in the East?"

MR. DODD: That is right.

VON SCHIRACH: Yes.

MR. DODD: That is all I wanted to know.

VON SCHIRACH: That song is not in this book.

[A book was handed to the defendant.]

MR. DODD: We have quite a few of your songbooks here.

VON SCHIRACH: Yes, but there is a great difference between them. This book, which does not contain the song, is an official edition published by the Reich Youth Leadership. As I say, it does not contain the song. It does appear, however, in a songbook published by Tonners, a firm of music publishers in Cologne, under the title of "Songs of the Hitler Youth." This book is not, however, an official collection issued by the Reich Youth Leadership. Any publishing firm in Germany can publish such books.

MR. DODD: All right, I will accept that, but certainly you won't deny that the book was used, will you? And that is all we are trying to establish.

VON SCHIRACH: That I do not know. I do not know whether that book was used by the Hitler Youth.

MR. DODD: Do you know that the one which it is contained in was published by you?

[There was no response.]

Well, in any event, I would like to point this out to you. I am not claiming, or trying to suggest to you by questions, that any one of these songs in themselves made young people in Germany fit for war; but rather, what I am trying to show is that, as distinguished from the testimony you gave here yesterday, you were doing something more than just giving these boys and girls games to play.

VON SCHIRACH: My statements of yesterday certainly did not imply that we only gave them games to play. For every song of this kind there are innumerable others.

MR. DODD: Yes, I know, but these are the ones we are concerned with right now. "Unfurl the Blood-Soaked Banners," you remember that? "Drums Sound Throughout the Land"?

VON SCHIRACH: These are all songs of the "Wandervogel" and the Youth League. They are songs which were sung at the time of the Republic, songs which did not have anything to do with our time.

MR. DODD: Just a minute.

VON SCHIRACH: They are songs which had nothing to do with our period.

MR. DODD: Do you think that anybody, in the days of the Republic, was singing Hitler Youth marches?

VON SCHIRACH: What song is that? I do not know it.

MR. DODD: That is the one, "Drums Sound Throughout the Land." Don't you remember any of these songs, actually?

VON SCHIRACH: Of course, I know quite a number of these songs; but the most important—the bulk of them—come from the old "Zupfgeigenhansl" of the Wandervogel movement and from the Youth League. That the SA also sang these songs goes without saying.

MR. DODD: Yes, I don't doubt that they did; but wherever they emanated from, you were using them with these young people. And that one, "Drums Sound Throughout the Land," you wrote yourself; isn't that so?

VON SCHIRACH: "Drums Sound Throughout the Land?" Yes, I believe I did write some such song.

MR. DODD: All right; that certainly doesn't have a very ancient origin then, does it?

VON SCHIRACH: It was long before the seizure of power.

MR. DODD: Now, you also recall, perhaps, that on one occasion Field Marshal Von Blomberg wrote an article for the Hitler Year Book. Do you remember that?

VON SCHIRACH: No.

MR. DODD: Well, it wasn't so very long ago. It was in 1938. I suppose you read the Year Book of your organization for that year at that time, anyway?

VON SCHIRACH: That may be taken for granted; but I really cannot remember what Field Marshal Von Blomberg wrote for it.

MR. DODD: Well, all right. I would like you to look at this document; it is 3755-PS. I think it is on Page 134 of the text that you have, Mr. Witness; and on Pages 148 to 150 you will find an article, "Education for War of German Youth," or rather, it says, "The work 'Education for War of German Youth,' by Dr. Stellrecht, contains a slogan of Field Marshal Von Blomberg, in which the following passage is quoted." And then it goes on to give the quotation. Do you find that? "The fighting spirit is the highest virtue of the soldier." And so on.

Have you found the quotation of Blomberg's? That is what I want to know.

VON SCHIRACH: Yes.

MR. DODD: And then the article by Stellrecht is also contained there, after the quotation.

VON SCHIRACH: Yes.

MR. DODD: Now certainly, when you move down a few lines, you will see this sentence: "Therefore, it is a stern and unalterable demand which Field Marshal Von Blomberg makes of the young men marching in the columns of the Hitler Youth," and so on.

In those days, in 1938, Mr. Witness, you were at least thinking in terms of future military service and so was Field Marshal Von Blomberg, with respect to the Hitler Youth. That is the point I am trying to make.

VON SCHIRACH: We had a State with compulsory military training.

MR. DODD: I know.

VON SCHIRACH: And it goes without saying that we as educators were also anxious to train our youth to the highest degree of physical fitness so that they would also make good soldiers.

MR. DODD: You weren't doing any more than that? Is that what you want this Court to understand?

VON SCHIRACH: I described to you yesterday what else we did in the way of rifle training, cross-country sports, and the training of special units.

MR. DODD: That is USA-856, Mr. President.

Yes, I know you told us yesterday that, whatever else it might have been, it certainly was not any kind of military training.

This man Stellrecht was associated with you, was he not?

VON SCHIRACH: Dr. Stellrecht had the "Office for Physical Training" in the Hitler Youth under Reich Sport Leader Von Tschammer-Osten. That office was one of 21 offices within the Youth Leadership.

MR. DODD: He was associated with you?

VON SCHIRACH: Yes.

MR. DODD: And you have also used something from him as part of your defense; it is in your document book. Do you know about that?

VON SCHIRACH: Yes, it is a statement made by Dr. Stellrecht, in which he speaks of education for defense and physical training for youth; and says that not a single boy in Germany is trained with weapons of war.

MR. DODD: I know that, and therefore I want you to look at another statement that he made on another date.

That is Document 1992-PS, Mr. President, and we offer it as USA-439.

Do you remember when he made the speech to the military men in January of 1937, while he was affiliated with your Hitler Youth organization? Do you know the speech to which I refer?

VON SCHIRACH: I was not present on the occasion of that speech and I do not consider myself responsible for any statement which he may have made in it.

MR. DODD: Well, that is your statement, but perhaps others feel differently. At any event, I ask you whether or not you were aware of and knew about the speech, and will you tell us whether you do know about it before you look at it? You know the speech I am talking about, don't you?

VON SCHIRACH: I cannot remember being informed of the fact that he spoke at a national and political training course for the Armed Forces; but I may have been informed of it. The speech, itself . . .

MR. DODD: Well, it seems to me you were very anxious to deny responsibility for it before you knew what he said.

VON SCHIRACH: I did not want to make a statement on that. Disputes arose between Dr. Stellrecht and myself on account of a certain tendency which he showed with regard to defense training, because I felt that he insisted too much on his office. Disputes arose also with the other offices of the Reich Youth Leadership which finally led to his dismissal from the Reich Youth Leadership.

MR. DODD: Well, in any event, he was on your staff when he made this speech and I wish now you would look at page—well, I have it Page 3 of the English, and it is Page 169 of the text that you have; and it begins at the very bottom of the English page. The paragraph reads:

"As far as purely military education is concerned this work has already been done in years of co-operation, and very extensively. The result has been set down in a book written by myself, regulating future work in military education down to the last detail of training and which, with our mutual agreement, included a foreword and preface by the Reich Defense Minister and the Reich Youth Leader."

And then the next paragraph:

"The basic idea of this work is always to present to the boy that which belongs to the particular stage of his development"—and so on. And I want you to come to the sentence that says:

"For that reason no boy is given a military weapon, simply because it seems to serve no useful purpose for his development. But, on the other hand, it seems sensible to give him guns of small caliber for training. Just as there are certain tasks occurring in military training which are only suitable for grown men, so there are other training tasks more suited to boys."

And then moving down further in the English text, next to the last paragraph, Page 170 of your text, you will find in the next to the last paragraph that Dr. Stellrecht says:

"This picture is the goal of a comprehensive education which starts with the training of the boy in outdoor games and ends with his military training."

And then moving on again to the fifth page of the English text, and I think it is Page 171 of your text, the next to the last paragraph, in talking about the hiking trip, he says that:

"... has still a wider purpose ... because it is the only way in which the boy can get acquainted with the fatherland for which he will have to fight one day."

Moving on through this article, finally, I want to direct your attention to Page 6 of the English text and Pages 174 and 175 of

your text. In the last paragraph of the English text, you will find this sentence which says:

"All training, therefore, culminates in rifle training. It can scarcely be emphasized enough; and because shooting is a matter of practice, one cannot start too early. The result we want to achieve in the course of time is that a gun should feel just as natural in the hands of a German boy as a pen."

Now, move over to the next page, Page 7 of the English text and Page 176 of your text. Your Dr. Stellrecht says there more about shooting and how it "meets with the boys' desire"; and then he goes on to say:

"Along with the general training there is special training for new replacements for Air Force, Navy, and motorized troops. The training course for this has been established in conjunction with the competent offices of the Armed Forces... on as broad a basis as possible, and in the country cavalry training is given."

And I suppose it is on the next page of your text, but it is the next to the last paragraph of the English text—I want to call your attention to this sentence—or it is two from the last paragraph in the English text: "Military education and ideological education belong together." The English text says "philosophical," but I think that's a mistranslation and actually in German it is "ideological." And you see the sentence that says in the next paragraph:

"The education of youth has to take care that the knowledge and the principles, according to which the State and the Armed Forces of our time have been organized and on which they base, enter so thoroughly into the thoughts of the individual that they can never again be taken away and that they remain guiding principles all through life."

And the last paragraph of that speech, Mr. Witness—I wish you would look at it because I think you used the term "playful" yesterday, if I am not mistaken, and Dr. Stellrecht, anyway, a little earlier in his speech. Here is what he said to the military men that day: "Gentlemen, you can see that the tasks of present youth education have gone far beyond the 'playful.'"

Are you sure, now, that you didn't have any kind of a program for military training in your youth organization?

VON SCHIRACH: I can see from this document, which I should really have to read in its entirety in order to be able to answer correctly, that Dr. Stellrecht, to put it mildly, considered himself very important. The importance of Dr. Stellrecht for the education of youth and the importance of the office which he held in the Youth Leadership were definitely not as great as implied by this

training-course for men of the Armed Forces. I have already said before that disputes arose between Dr. Stellrecht and myself on account of his exaggerations and especially because of the extent to which he overestimated the value of rifle training and what he called "military training" and that these differences of opinion finally led to his dismissal and departure from the service of the Reich Youth Leadership. He was one of many heads of offices, and the importance of his special activity was not as great as he has represented it to be in his statement here. I think I explained yesterday what a large number of tasks confronted the Youth Leadership. I was also able to indicate the approximate proportion of premilitary training or military training, as Herr Stellrecht calls it, as compared with other forms of training. But this document also states clearly that there was no intention of anticipating military training, as I said yesterday. When he says that every German boy should learn to handle the gun as easily as the pen, that is an expression of opinion with which I cannot identify myself.

MR. DODD: Well, of course, you have your view of him; but I think it is well that we brought it out in view of the fact that you have yourself offered before this Tribunal a statement by Stellrecht in your own document book. You are aware of that, of course, aren't you? You want, of course, to have us understand that Stellrecht is reliable when you quote him, but he is not reliable when we quote him; is that it?

VON SCHIRACH: I do not mean that at all. He is a specialist in ballistics and outdoor sports and, of course, he represented his tasks, as is natural to human nature, as being the most important in youth training. Probably another office chief would have described cultural work or occupational competition contests, as the case might be, as being the most important aspects of youth training. At any rate, the decisive pronouncement for the education of German youth was not the remarks which Stellrecht made during a course for soldiers but my own remarks to the youth leaders.

MR. DODD: I just want to remind you that a year after he made this speech you wrote a preface for his book, didn't you?

VON SCHIRACH: I believe this preface was written for the book "Hitler Youth on Service."

MR. DODD: I say it was a year after he wrote this speech, which was put out and published in Germany. He not only made the speech; but it was put out in pamphlet form, wasn't it?

VON SCHIRACH: I cannot remember exactly.

MR. DODD: Well, I can tell you if you look at the document that I handed you. I think you will see that. Well, in any event,

we will pass along. You told the Tribunal yesterday that the statement in the *Völkischer Beobachter,* attributed to Hitler, on 21 February 1938 was something of a mystery to you; you did not know where he got his figures from. Did you understand what I said, Mr. Witness?

VON SCHIRACH: Yes.

MR. DODD: And do you know to what I referred in your testimony of yesterday, that quotation from Hitler in the *Völkischer Beobachter?*

VON SCHIRACH: Yes.

MR. DODD: What is wrong with those figures?

VON SCHIRACH: I think that these figures are exaggerated and I think that there are errors in the text in my possession, which is a translated text. He probably received these figures from Dr. Stellrecht's office, or so I assume. The statements regarding armored troops were, I imagine, probably added by himself; for the conclusion that some thousands or tens of thousands qualified for driving licenses is really an incorrect one, just as it is incorrect to draw from the fact that some tens of thousands of lads qualify for driving licenses the conclusion that they were trained as tank troops.

MR. DODD: Well, you see, we didn't say so. You understand it was your Führer who said so in February 1938, and what I asked you was that I wish perhaps we can go through it and you can tell the Tribunal where they are in error and to what extent. Now Hitler said, according to the press, that your naval Hitler Youth comprised 45,000 boys. Would you say that figure was too large and altogether untrue?

VON SCHIRACH: No, that is correct.

MR. DODD: That is correct?

VON SCHIRACH: That is correct.

MR. DODD: He then said, the motor Hitler Youth 60,000 boys. What do you say about that figure?

VON SCHIRACH: That is correct.

MR. DODD: And then he said that, as part of the campaign to encourage aviation, 55,000 members of the Jungvolk were trained in gliding for group activities. What do you say about that figure?

VON SCHIRACH: Glider training and model plane construction in the youth organization with—may I have the figure again—50,000 youth airmen?

MR. DODD: 55,000.

VON SCHIRACH: 55,000—yes, that is correct.

MR. DODD: That's correct. Then he says, "74,000 of the Hitler Youth are organized in its flying units." Now, what do you say about that figure?

VON SCHIRACH: You say "flying units"; those are "Fliegereinheiten," groups of Hitler youth airmen, who—as I must emphasize again—were concerned only with gliding and the construction of model planes. There may have been such a large number at the time.

MR. DODD: Is the figure correct, 74,000?

VON SCHIRACH: It may be.

MR. DODD: Well, he lastly says, "15,000 boys passed their gliding test in the year 1937 alone." What do you say about that; is it too big or too little or not true at all?

VON SCHIRACH: No, that is probably correct.

MR. DODD: Well, now, so far you haven't disagreed with Hitler on any of these, have you?

VON SCHIRACH: No.

MR. DODD: Then, he lastly says, "Today, 1.2 million boys of the Hitler Youth receive regular instruction in small-bore rifle shooting from 7,000 instructors." What's wrong with that figure, if anything?

VON SCHIRACH: It may be correct—of course, I have no documentary proof that we had 7,000 young men who conducted training in small-bore rifle shooting. I discussed this small-bore rifle shooting yesterday. It is well known that we carried that out.

MR. DODD: Actually you haven't disputed any of these figures. They are true, then, to the best of your knowledge, aren't they?

VON SCHIRACH: My objection concerned a remark, which I remember in connection with the speech, mentioning tank force.

MR. DODD: Well, we don't have it but, if you have it, we'd be glad to see it. But this is the *Völkischer Beobachter* speech that was put in by the Prosecution at the time that the case against you was put in; there is nothing in that about the tanks.

VON SCHIRACH: I believe the reason is that the retranslation of the document from English back into German is incorrect.

MR. DODD: Well, in any event, we agree that Hitler wasn't very far off on his figures when he made this speech or gave them out?

VON SCHIRACH: No; I think the figures which you have just mentioned are correct.

MR. DODD: All right. Now, then, in the Year Book of your Hitler Youth for 1939, Stellrecht, your man who had charge of training, uses that same expression. Do you recall that? "To handle a rifle should be just as natural for everybody as to handle a pen"?

VON SCHIRACH: 1939?

MR. DODD: Yes, sir.

VON SCHIRACH: May I have the month?

MR. DODD: Well, it's in the Year Book of the Hitler Youth for the year 1939, at Page 227. If you'd like to see it, I'll be glad to show it to you.

VON SCHIRACH: No, thank you. I do not have to see it. If he has already mentioned it before, it is possible that he will repeat it.

MR. DODD: Yes. You see, the importance of it to us is that this is 2 years after he made this speech, 1 year after you wrote the preface to his book, and I assume some time after you found him to be—what did you say—unreliable?

VON SCHIRACH: No, I did not say that. On the contrary, he was a reliable man, but differences of opinion arose between us because I did not agree with him on the question of overemphasizing premilitary training.

MR. DODD: Well...

VON SCHIRACH: I considered the rifle training as constituting only a part of our training, and not the most essential part; and he pushed it too much into the foreground.

MR. DODD: All right. But you let him write in the Year Book; and 2 years after he made the speech, he made this same kind of a statement for young people to read, that they should be as handy with a rifle as they were with a pen. Did you make any objection when that book went to press? I assume you must have...

VON SCHIRACH: I did not see the book before it went to press...

MR. DODD: You did not proofread it?

VON SCHIRACH: ...and I had no objections to raise in particular.

MR. DODD: Did you object when you read in the same book and on the same page that the Wehrmacht had presented to your Hitler Youth in 1937, 10,000 small-bore rifles?

VON SCHIRACH: No, I was very glad to have that gift from the Armed Forces. As we in any case did small-bore shooting, I was grateful for every rifle we received because we always had less than we needed for training purposes.

MR. DODD: And were you distressed when you also read in that same Year Book that there was no shortage of shooting ranges:

"Since organized rifle training was started in the autumn of 1936, 10,000 shooting instructors have acquired the green shooting license in weekend courses and special courses; and this figure increases by some thousands every year."

Do you remember that in your Year Book for 1939?

VON SCHIRACH: I do not remember it, but I think you are probably presenting the facts correctly; I will not dispute it. Switzerland gave her young men a much more intensive rifle training than we did and so did many other countries.

MR. DODD: Yes, I know.

VON SCHIRACH: I do not deny that our young men were trained in shooting.

MR. DODD: I hope you're not comparing yourself to Switzerland, either.

VON SCHIRACH: No.

MR. DODD: This document is 3769-PS, Mr. President; it becomes USA-857.

Now, we've heard about this agreement that you and the Defendant Keitel drew up in 1939, not very long before the war against Poland started. It was in August of 1939.

It's already in evidence, Mr. President, as USA-677.

It was the 8th day of August, wasn't it—or 11th day; I'm sorry.

VON SCHIRACH: I do not know the exact date. The fact that the agreement was concluded in August 1939 is enough to show that it did not have—and could not have had—any connection with the war.

MR. DODD: You say it had no relation to the war, 3 weeks before the attack on Poland?

VON SCHIRACH: If that agreement had had any significance for the war, it would have had to be concluded much earlier. The fact that it was only concluded in August shows in itself that we were not thinking of war. If we had wanted to train youth for the war, we would have made an agreement of this kind in 1936 or 1937.

MR. DODD: Well, in any event, will you agree to this: That this agreement between you and Keitel certainly was related to your shooting practice and related to the Army?

VON SCHIRACH: As far as I remember, the agreement referred to training for outdoor sports.

MR. DODD: Well, then I had better show it to you and read from it to you, if you have forgotten insofar that you don't remember that it had something to do with your shooting practice.

VON SCHIRACH: I believe that it says—and to that extent a connection with rifle shooting does exist—that in future field sports are to receive the same attention which has hitherto been given to shooting. I do not know if I am giving that correctly from memory.

MR. DODD: I'll tell you what it says and you can look at it in a minute. It says that you already have 30,000 Hitler Youth leaders trained annually in field service. And in the whole sentence it says:

> "In the Leadership Schools of the Hitler Youth, particularly in the two Reich schools for shooting practice and field sports and in the District Leadership Schools, 30,000 Hitler Youth leaders are being trained every year in field service . . ."

and that this agreement gives you the possibility of roughly doubling that number.

VON SCHIRACH: Yes.

MR. DODD: And it goes on to say how you will quarter these people and billet them, and so on.

VON SCHIRACH: Yes.

MR. DODD: And it does have some relationship to your shooting training program, doesn't it?

VON SCHIRACH: I explained that before I even saw it.

MR. DODD: Well, I misunderstood you then. I thought that you said that it didn't have . . .

VON SCHIRACH: No, no, I explained that. I said that field service should have the same prominence as rifle training in the program; but, here again, we are not concerned with training youth leaders to become officers. It was not a question of military training, but of training in field sports for the youth leaders who, after short courses—I believe they lasted 3 weeks—went back again to their units. A young man of 16 cannot be trained along military lines in that period of time, nor was that the purpose of the agreement.

MR. DODD: Surely you are not asking us to believe that you and Keitel were entering into an agreement over cross-country sports, are you, in August of 1939? Are you serious about that?

VON SCHIRACH: I am perfectly serious when I say that at that time I knew nothing about a war—the war to come. I said yesterday . . .

MR. DODD: Well, but you . . .

VON SCHIRACH: And I do not believe either that Field Marshal Keitel drafted that agreement; I think one of his assistants worked it out along with Dr. Stellrecht. If it had had any significance for the war, it would certainly not have been announced in August in an official publication.

MR. DODD: Well, now, listen. You just look at the first paragraph of this and read what it says the purpose of this agreement is, and perhaps we can put an end to this discussion.

> "An agreement was made between the High Command of the Wehrmacht and the Reich Youth Leadership representing the result of close co-operation between the Chief of the High Command of the Wehrmacht, General Keitel, and the Youth Leader of the German Reich, Von Schirach, and promising the co-operation of the Wehrmacht in the military education of the Hitler Youth."

You don't see anything there about cross-country running, do you, or training?

VON SCHIRACH: I should like to give an explanation as to that. What you have just quoted is not part of the text of the agreement, but represents a commentary by the editor of the collection *Das Archiv*.

MR. DODD: Well, I'm not going on; but I'll leave it up to the Tribunal to decide whether that has to do with sports or has any relation to military education.

THE PRESIDENT: I think it is a convenient time to break off.

[A recess was taken.]

MARSHAL: May it please the Tribunal, the report is made that the Defendant Raeder is absent.

MR. DODD: Mr. Witness, would you agree that from time to time members of your Hitler Youth sang songs and otherwise conducted themselves in a manner which certainly was hostile to organized religious institutions?

VON SCHIRACH: I do not intend to deny that isolated members behaved in that way during the early years of the National Socialist State, but I should like to add a short explanation.

In the early years I took into my movement millions of young people from Marxist organizations and the atheist movement, *et cetera;* and, of course, it was not possible in the space of 2 or 3 or 4 years' time to discipline all of them completely. But I think I may say that after a certain date, say 1936, things of that sort no longer happened.

MR. DODD: Well, I thought perhaps we could say, anyway, that in 1935 this sort of thing was going on and perhaps save some time. Would you agree to that? They were singing songs such as, "Pope and Rabbi shall yield, we want to be pagans again" and that sort of business. Are you familiar with that? Do you know that kind of thing that came to the attention of the Minister of Justice from the prosecuting authority in Baden.

VON SCHIRACH: No.

MR. DODD: Do you know that they sang a song published in the songbook "Blut und Ehre," a song saying, "We want to kill the priest, out with your spear, forward; set the red cock on the cloister roof." You know that old song?"

VON SCHIRACH: That is a song dating back to the Thirty Years' War and sung by the youth movement for many, many years, even before the first World War.

MR. DODD: I know, you have told me that before. I am trying to cut that down. Will you agree that your people were singing it in 1933, 1934, and 1935, to the extent that when clerics objected they were subjected themselves to the prosecuting authorities for interfering and criticizing? That is how important it was.

VON SCHIRACH: I know, as I have already said, that this song dates back to the Thirty Years' War. It was sometimes sung by young people in the years 1933-1934. I tried to abolish this song, but I cannot give you any information as to special complaints which were lodged about it.

MR. DODD: I do not think that we have made clear that these songs were put out in a book which you published for the Hitler Youth to sing in these days. Do you agree to that?

VON SCHIRACH: I think it is possible, as for many years this song was included in every collection. It is a song which appeared in the first songbooks of the Wandervogel movement in 1898.

MR. DODD: I am not really interested in the history. All I am trying to establish is that in your songbook for your young people this song was present, that it was sung, that when the Church people complained, they were subjected to the prosecuting authorities for complaining.

VON SCHIRACH: I must dispute the last point.

MR. DODD: Well, I will have to put this document in.

It is Number 3751-PS. These are extracts from the diary of the prosecuting authorities, the diary of the Minister of Justice. And that becomes USA-858.

Now, the very first entry that is shown to you is a note from the diary of the Minister of Justice on the Catholic Vicar Paul Wasmer concerning criminal proceedings against him, and it is a question of whether a penal sentence should be proposed by Rosenberg because of libel. The vicar in his sermon cited a song being sung by young people. I quoted a few words of it a moment ago about "Pope and Rabbi shall yield, out with the Jews," and so on. The Minister of Justice in his diary goes on to say that this Catholic vicar also quoted from "the little book of songs published by Baldur von Schirach" a verse with the following text:

"To the Lord in Heaven we'll surely say
That we his Priest would gladly slay."

and so on:

"Out with your spear, forward march."

And he further quoted you as saying, "The path of German youth is Rosenberg." Now, that is what he got into trouble for doing, and all I am asking you—and all I did ask—is if you won't admit that people who criticized the use of this kind of stuff by your young people under your leadership were subjected to possible, and in many cases actual, prosecution? You see, you told the Tribunal yesterday that you never did anything directly to interfere with the Church, Catholic or Protestant.

VON SCHIRACH: The song quoted, which has the refrain "Kyrieleis," which in itself shows it is a very old song . . .

MR. DODD: May I interrupt you to say . . .

VON SCHIRACH: . . . may possibly be included in the songbook "Blood and Honor." I am, of course, unaware that a clergyman was prosecuted for criticizing it. That is something new which I learn for the first time.

MR. DODD: All right. Look at Page 192 of that same diary, and you will see where the Archbishop of Paderborn reported the incident of 12 May. In this case he was asking that something be done to stop this sort of thing, and there is a rather nasty little song there about a monk and a nun, and so on, which your young people were singing; and then it goes on to say what happened to the Archbishop when he came out into the square and what the Hitler Youth did, what names they called him, and it says there were seven Hitler Youth leaders from outside present in that city that day and they were in civilian clothing. Do you mean to say you never heard of these things?

VON SCHIRACH: I know of this incident. I called the competent leader of the area, Langanke by name, to account for this. I had a good deal of trouble in connection with the incident. I shall

therefore ask my counsel to question the witness Lauterbacher, who then held the rank of Stabsführer and is acquainted with the details. Some lines of the song you quoted just now caused a good deal of violent feeling among the population at the time—some of those lines are quoted here—on account of the foreign currency racketeering indulged in by some clergymen. That is why this satirical song was sung.

I should like to say in conclusion that I thoroughly and obviously disapproved of the attitude of these youth leaders. The whole affair is, as I have already said, one of those incidents dating back to the years when I had to take into my organization an enormous number of youths from other organizations and with an entirely different intellectual background.

MR. DODD: All right, turn to Page 228 of that diary, and you will see where a Chaplain Heinrich Müller and a town clergyman Franz Rümmer were under suspicion because they said in a circle of Catholic clergy that a certain song was sung by the Hitler Youth at the Party Rally in 1934:

"We are the rollicking Hitler Youth;
We have no need of Christian truth;
For Adolf Hitler is our Leader
And our Interceder.

"No evil old priest these ties can sever;
We're Hitler's children now and ever."

Wait until I get through.

VON SCHIRACH: I have not found the place.

MR. DODD: It is Page 228, a and b, I'm sorry. Maybe you will remember the song anyway if I read it to you. Do you remember the lines that said, "We don't follow Christ but instead Horst Wessel"?

VON SCHIRACH: This is the first time I have seen this song. I do not know this song.

MR. DODD: All right; I will not go on reading it. You noticed that in an entry in the diary, the last paragraph, it says:

"The Advocate General notes that there is no doubt that the song in question was sung or circulated in Hitler Youth circles; he thinks that the statement that this song was sung at the Party Rally, that is, to a certain extent under the eyes and with the consent of the highest Party officials, can be refuted."

VON SCHIRACH: The third stanza reads:

"I am no Christian, no Catholic;
I follow the SA through thin and thick."

We gather that it is not a youth song. If the young people sang that song, I very much regret it. That song was certainly not sung at a youth festival at the Party Rally in 1934, as stated here.

MR. DODD: All right.

VON SCHIRACH: I myself read through all the programs for youth events at the Party Rally.

I do not know this song; I have never heard it; and I do not know the text.

MR. DODD: You will notice that the last line says: "Baldur von Schirach, take me too!"

The only point to all this is that certainly it is a surprise to the Prosecution to hear you say, as the Youth Leader, that you did not know that there was a great difficulty between the churchmen of all the churches in Germany and the youth organization in Germany, certainly during these years.

VON SCHIRACH: The point that I should like to make clear to the Tribunal is that in the youth movement there was a period of storm and stress, a period of development, and that the organization must not be judged by the actions of a few individuals or groups in the same year in which these individuals or groups became members of the organization. The result of educational work cannot be judged until some years have elapsed. It is possible that a group of youths who entered our ranks from the atheist movement in 1934 composed and sang these songs. In 1936 they would certainly no longer have done it.

MR. DODD: Well, let's see what you were doing in 1937. You know the publication "Enjoyment, Discipline, Faith"? Do you know that handbook for cultural work in your youth camps?

VON SCHIRACH: I should like to see it, please.

MR. DODD: I'll show it to you, but I wanted to ask you, first of all: Do you know the publication? Do you know what I am talking about when I refer to it?

VON SCHIRACH: I do not know all our publications. We had such an enormous number of publications that unless I have the book in front of me I cannot make any statement on the subject.

MR. DODD: All right; I'll take your answer that you don't know this one without seeing it. We'll show it to you. This one, among other things, has the program for a week in one of your camps, a suggested series of programs. And again I'll ask you a question and maybe we can cut this down.

Isn't it a fact that in your camps you tried to make Hitler and God more than partners and particularly tried to direct the religious

attitudes of young people to the belief that Hitler was sent to this earth by God and was his divinely appointed in Germany?

Well, just answer that first of all, and then we can look at the program.

VON SCHIRACH: No. I never made any comparison between Hitler and God; and I consider it blasphemous and have always considered such a comparison blasphemous.

It is true that during the long period of years in which I believed in Hitler, I saw in him a man sent by God to lead the people. That is true. I believe any great man in history—and in the past I considered Hitler such a man—may be regarded as being sent by God.

MR. DODD: This is Document 2436-PS, USA-859.

I am not going to go all through it with you, but I do want to call your attention to some specific parts.

First of all, on Page 64 you have the names of people suggested as mottoes, I guess you would say, for the day. They are all political or military heroes of Germany, I expect, aren't they?

VON SCHIRACH: Arminius, Geiserich, Braunschweig...

MR. DODD: You don't need to read them all. If they are not, say they aren't, and if they are, say "yes." I merely asked you if they were not all military or political heroes of Germany.

VON SCHIRACH: I do not know whether Prince Louis Ferdinand of Prussia can be characterized simply as a war hero here. He was certainly an artist as much as an officer.

MR. DODD: All right, I'll pass that and take your answer that they are not.

Let's move on to the Sunday morning celebration on Page 70 of your text, near the end of it. I wanted particularly to direct your attention to this in view of what you said about Rosenberg earlier this afternoon:

> "If there is no one who can make a short formal address—it must be good and command attention—extracts from 'Mein Kampf' or from the Führer's speeches or Rosenberg's works should be read."

Do you find that?

VON SCHIRACH: Yes, I have found it.

MR. DODD: Well, do you still say that Rosenberg and his works had nothing to do with your Hitler Youth? You were suggesting that, for Sunday morning reading, they might listen to this benign philosopher's works, weren't you?

VON SCHIRACH: Nothing is proved by the fact that such a reference is made in one of the numerous handbooks of cultural

work to one of the training staff who attended those biannual discussions of Rosenberg's which I have already mentioned. I think you will look a long time before you find this particular passage in one of the many youth handbooks.

MR. DODD: Let me ask you something about this. You find one line in here for the Sunday morning celebration about a churchman, a chaplain, Holy Scripture, or anything related to religious institutions and tell the Tribunal where it is.

VON SCHIRACH: I take it as certain that nothing like that occurs there.

MR. DODD: That is your Sunday morning program?

VON SCHIRACH: The Hitler Youth was a state youth organization, and my aim was to separate religious and state education. A young man who wanted to go to church could go after the morning celebration—it was a camp function—or before it, according to whether he wanted to attend mass or go to a Protestant service; and on these Sundays on which he was not in camp—the whole camp lasted 3 weeks at the outside—he was completely free to attend church at home with his parents or other friends.

MR. DODD: All right.

THE PRESIDENT: Mr. Dodd, I think it is fair to say that immediately before the words "Page 71" there are three lines which might be said to refer to religion.

MR. DODD: Yes, I intend to quote it. I was saving that for a little later. I will be glad to do it now if Your Honor prefers to have it.

THE PRESIDENT: No.

MR. DODD: I want to call your attention to a historical moral ballad that is suggested for the youth of this camp, on Page 89 of your text or 90, and on Page 6 of the English text.

Now, I am not going to read this whole ballad, but I think you will agree that it ridicules, to put it mildly, the Jews, other political parties in Germany. It refers to "Isidor, Isidor" in the opening lines, and it goes on down, "Poor Michael was a wretched man; he had to serve the Jewish clan." In another line, "He gave the gang and the Jew a kick."

And then your Party youth leaders suggest that now they have a—what is it—a shadow show:

> "The nose of Isidor must be strongly exaggerated; the German Michael should be presented in the conventional manner; the Communist as a wild stormer of barricades; the Social Democrat with a balloon cap; the Center Party man with a Jesuit cap, and the reactionary with top hat and monocle."

Did you ever see one of those shows, by the way?

VON SCHIRACH: I cannot find the text you have just quoted on Page 89.

MR. DODD: I probably have given you the wrong page. I have just been told it is Page 154 of your text—155, rather.

VON SCHIRACH: Yes.

MR. DODD: Well, I just want to know about this suggested part of the program for these young people of yours.

VON SCHIRACH: I should like to say something about the whole question as far as this book is concerned. I wrote the preface and I accept responsibility for the contents. I did not read every detail of this book beforehand; and I do not wish to dispute the fact that in the camps forming part of the camp circus, as it was called, political caricatures were presented in the form of shadow-shows.

MR. DODD: You know one of your youngsters wrote Streicher a letter telling him that he saw this kind of a show. Do you know about that? I am going to show you that letter in a little while, just to show you that it did happen, and that your young people wrote to Streicher about it.

And on the last page of the English text, for Sunday, 19 July—I think it is Page 179 of your text—the motto for the day is "Our service to Germany is divine service." And that was a slogan you used on other Sundays, and as the Tribunal has pointed out, on Page 70 of your text you say:

> "... that this Sunday morning ceremony does not aim at presenting arguments or conflicts with confessional points of view, but at imbuing life and men with courage and strength to fulfill their greater and lesser tasks through unqualified faith in the divine power and the ideology of the Führer and his movement."

Now, in no place where you ever made any reference to God did you ever fail also to mention Hitler or the leaders of the Party, did you?

VON SCHIRACH: Will you please indicate the passage that you quoted just now?

MR. DODD: It is on Page 70, right at the bottom of your Page 70.

VON SCHIRACH: Yes, it says here:

> "It does not aim at presenting arguments or conflicts with confessional points of view, but at imbuing life and men with courage and strength to fulfill their greater and lesser tasks through unqualified faith in the divine power and the ideology of the Führer and his Party.

That does not, after all, mean that Hitler is compared to God, but I believe that in the answer I gave a few minutes ago I did define my attitude.

MR. DODD: Let's see if you don't. In your book *Revolution of Education,* on Page 148, do you remember this statement: "The flag of the Third Reich"—we'll begin the whole sentence:

> "On the contrary, the service of Germany appears to us to be... the service of God. The banner of the Third Reich appears to us to be His banner; and the Führer of the people is the savior whom he sent to save us from the calamity and peril into which we were actually plunged by the most pious parties of the defunct German Republic."

VON SCHIRACH: I should like to see the original of this text, please.

MR. DODD: All right.

VON SCHIRACH: Here I write:

> "We consider that we are serving the Almighty when with our youthful strength we seek to make Germany once more united and great. In acknowledging loyalty to our Homeland we see nothing which could be construed as a contradiction of His eternal will. On the contrary, the service of Germany appears to us to be genuine and sincere service of God; the banner of the Third Reich appears to us to be His banner; and the Führer of the people is the savior whom He sent to rescue us from the calamity and peril into which we were actually plunged by the most pious parties of the defunct German Republic."

This is the Center Party of the old Republic and other similar organizations of a confessional and political nature. I wrote this. I really do not see anything in that which could be construed into a deification of the Führer. For me, service to my country was service to the Almighty.

MR. DODD: All right, if that is your answer—I see it differently. Let's go on to something else so that we can get through. I don't want to neglect to show you, if you care to be shown, that communication to Streicher. It has already been presented to the Tribunal by the British Delegation, the British prosecutor. I think it was read from, but not put in, I am told.

In any event, do you know about that, Mr. Witness? Do you know about the letter that the boys and girls of the Youth Hostel at Grossmöllen wrote to Streicher in April of 1936, when they told him about seeing the Jews, "Every Sunday our leader shows a play about the Jews with his puppet theater."

I just want to know if you are aware of it.

VON SCHIRACH: I should like to say in this connection that the National Socialist Youth Home at Grossmöllen, which is mentioned here, was not a Hitler Youth institution but was, I believe, a kindergarten run by the National Socialist Public Welfare Organization or some other organization.

This is typical of the letters ordered by the publisher of *Der Stürmer* for recruiting purposes.

MR. DODD: Just a moment. Didn't you take over every youth hostel in 1933?

VON SCHIRACH: Yes.

MR. DODD: Well, what do you mean by saying that in 1936 this National Socialist Youth Hostel at Grossmöllen was not a part of the Hitler Youth organization?

VON SCHIRACH: It says here youth home (Heimstätte), not hostel (Herberge). I am not familiar with the expression "Heimstätte." That must refer to a home run by the National Socialist Public Welfare Organization or the National Socialist Women's League. We had only "Jugendheime" and "Herbergen."

MR. DODD: Well, doesn't it strike you as being strangely coincidental that in your program for one of your youth camps you suggest a show which portrays a Jewish man with a great nose and ridicules him and teaches children to dislike him and laugh at him and that from a youth camp a youngster writes to Streicher saying that she and boys and girls saw such a show?

VON SCHIRACH: This letter was not written from any youth camp.

MR. DODD: Well, I accept it if that is your answer.

VON SCHIRACH: I do not deny that this puppet play was shown and that this letter was written; but I believe the connection is pulled in by the hair, so to speak. The connection is a very remote one.

MR. DODD: You think the connection about the ridiculing of the Jews is very far afield and pulled in by the hair.

VON SCHIRACH: No. I dispute the statement that this is a Hitler Youth institution. I believe actually it is a day nursery run by the National Socialist Public Welfare Organization or something similar.

MR. DODD: Well, maybe the explanation is that all the young people in Germany saw one of those shows. But, in any event, I want to take up the last matter on this subject with you.

This morning your counsel examined you about the confiscation of a monastery, I believe it was in Austria while you were there, Klosterneuburg. Do you remember?

VON SCHIRACH: We discussed Count Schwarzenberg's palace this morning. That was not a monastery. It was the property of a private citizen.

MR. DODD: Well, the document that Counsel Dr. Sauter referred to was R-146, USA-678. It was a letter from Bormann to all Gauleiter, and it began by saying that valuable Church properties had to be seized in Italy and in Austria. It was signed by Bormann. And then also on that document was a letter from Lammers saying that there had been some dispute as to whether the seized Church property should go back to the Reich or should remain in your Gau. You remember that, don't you? Well, now, you seized the monastery down there, didn't you, in 1941, at Klosterneuburg? Klosterneuburg, you know what I am referring to. I may mispronounce it.

VON SCHIRACH: Yes. The well-known foundation Klosterneuburg, the famous monastery, served as a receiving office for collections of works of art taken from our art museum.

MR. DODD: Yes. Now, what excuse did you have for seizing the monastery at that time?

VON SCHIRACH: I can no longer give you exact details with regard to this. I believe there were very few people in the monastery, that the large building was not being used to the fullest possible extent, and that we urgently needed more space for the expansion of the experimental station run in conjunction with our State School of Viniculture. I believe that is why this monastery was confiscated.

MR. DODD: All right. I am going to ask that you look at Document 3927-PS, and I wish you would remember that this morning you told the Tribunal that you stopped the confiscation of churches and Church property in Austria. When you look at this document I wish you to recall your testimony.

THE PRESIDENT: Did you offer M-25 in evidence or not?

MR. DODD: I wish to do so, Mr. President. It is USA-861. And this one, 3927-PS, becomes USA-862.

Now, the first page of this document shows that it is marked secret. It is dated 22 January 1941. It is a letter addressed to Dellbrügge in your organization in Vienna.

He says that he hears there is a possibility of getting a Hitler School, which the city of Hamburg is also trying to get, and that he wants the monastery Klosterneuburg considered as the place for the Hitler School in Vienna. This letter is written by Scharizer, your deputy, as you described him yesterday.

Now, he enclosed a communication, a teletype letter, from Bormann; and if you turn the page, you will see that it is dated 13 January. Bormann says it is strictly confidential:

"It is learned that the population does not show any indignation when monastery buildings are used to serve what appears to be a generally appropriate purpose."

He goes on to say:

"Their conversion into hospitals, convalescent homes, educational institutes, Adolf Hitler Schools, may be considered as serving a generally appropriate purpose."

Now, that communication was dated the 13th of January, and your deputy wrote the letter on the 22d.

Now turn another page, and you will find a Gestapo report on the monastery, dated 23 January 1941, addressed to your assistant Dellbrügge. I wish you would look where it says, "Oral order of 23 January 1941." Apparently somebody in your organization, you or your assistants, orally asked the Gestapo to get up a report on this monastery the very day that you wrote to Berlin asking that it be considered as a Hitler School.

There are some charges against the inhabitants of that monastery in this Gestapo report, but I ask you to turn over further and you will find where you wrote an order for the taking over of the monastery as an Adolf Hitler School on 22 February 1941. I will show it to you if you like to see it, but that order bears your initials, the original does—Pages 15 to 17 of the photostat that you have.

Now, you framed up an excuse to seize that monastery, didn't you, when you really wanted it for a Hitler School; and you didn't have any just grounds for seizing it. And you get the Gestapo to write a report and then you never referred to the reason that the Gestapo framed up for you.

VON SCHIRACH: I myself as head of these schools was naturally extremely anxious to have such a school established in Vienna. At one time the idea expressed here of taking Klosterneuburg and housing one of the Adolf Hitler Schools in it did occur to me, and I probably did discuss it with Herr Scharizer; but I dropped the idea completely. Klosterneuburg was never converted into an Adolf Hitler School.

MR. DODD: No. But it never was turned back to the Church people, either, was it?

VON SCHIRACH: No. Since the museum space available in Vienna was not sufficient for the very large collections, we wanted to turn this monastery into an additional large museum which would be open to the public. We began to carry out this plan, and a great

part of the collections was transferred to the building. In addition, we needed the strongly built cellars of this monastery for the safe-keeping of the many art treasures which we had to protect against bombing attacks.

It occurred to me that we might house an Adolf Hitler School in this building and I discussed the possibility with one or two of my colleagues and then abandoned it: Firstly, because it would have caused some ill-feeling if we had housed an Adolf Hitler School in a building which had formerly been consecrated ground, and secondly, because we badly needed the monastery for these other purposes.

I have nothing to add to my explanation.

MR. DODD: You will notice the date of that whole transaction and the communication from Bormann. When did you first discover that Bormann was so antireligious and anti-Church as you told the Tribunal he was?

VON SCHIRACH: Bormann . . .

MR. DODD: Just tell us when you found that out.

VON SCHIRACH: I was just about to. Bormann showed his antireligious views most clearly in 1943; but they had already begun to appear in 1937.

MR. DODD: And this telegram from him was when? 1941?

VON SCHIRACH: 1941.

MR. DODD: Witness, when did you first start to do business with Himmler?

VON SCHIRACH: I met Hitler . . .

MR. DODD: Himmler.

VON SCHIRACH: I met Himmler in 1929 when I visited the offices of the Party Leadership. At that time he was the propaganda chief of the Party. That was our first meeting.

MR. DODD: I did not really want to know, although it's of interest, when you first met him. What I really wanted to know was when you with your youth groups started really to do business with him for the first time. And by "business" I mean arrangements such as the recruitment of young men into the Death's-Head Brigade of the SS.

VON SCHIRACH: I think I explained that this morning. One of the first agreements laid down was, I think, contained in the agreement regarding the patrol service, the date of which I do not recall. This was not, by the way, a guarantee of reinforcements for Death's-Head units, but for police units generally. These were special troops to be at the disposal of the Police.

MR. DODD: How long did you continue to channel or divert young men from your Youth organization to the SS? When was the last time that you remember this program being effective?

VON SCHIRACH: I did not artfully drive young people into the SS. But I permitted the SS to recruit among young people like any other organization.

MR. DODD: I did not ask you that. I asked you when you would say was the latest date when you were effectively helping, at least, Himmler to get young candidates from the young people of Germany through your Hitler Youth organization. I do not expect an exact date. Approximately?

VON SCHIRACH: From 1940 on I tried constantly to have youth taken into Army units. The SS, the Waffen-SS, carried on very active recruitment among youth up to the last day of the war. I could not prevent this recruitment.

MR. DODD: And you knew what use they were being put to in the last days of the war and in the mid-days of the war, did you not?

VON SCHIRACH: I did know that all young people who were drafted or who volunteered had to fight.

MR. DODD: I am talking about something other than fighting. You knew what was going on in the East, and you knew who the guards were in the concentration camps, did you not?

VON SCHIRACH: This morning I testified on what I knew about events in the East. I did not know that young men who volunteered to go into the Waffen-SS were used during the war to guard concentration camps.

MR. DODD: You did not know who were the guards there, although you visited two of them yourself?

VON SCHIRACH: Those guards did not belong to the Waffen-SS.

MR. DODD: I know, but your agreement with Himmler provides specificially for recruitment for SS Death's-Head troops.

VON SCHIRACH: When I concluded that agreement, I did not know that he effected the supervision of concentration camps chiefly by means of Death's-Head units. Besides, I thought at that time that concentration camps were something quite normal. I said so this morning.

MR. DODD: You told the Tribunal yesterday that it was in 1944, I think, that you found out about the extermination. And I want to talk to you about that a little bit, and ask you some questions. And the first one is, how did you find out? Was it only through this man Colin Ross?

VON SCHIRACH: I said that I heard of it through Colin Ross . . .

MR. DODD: All right.

VON SCHIRACH: And, furthermore, that I asked numerous questions of everyone I could reach, in order to get definite information.

MR. DODD: Really I asked you if, from any other source, you found out? And you can answer that pretty simply. We know that you found out through Ross. Was there anyone else from whom you found out?

VON SCHIRACH: I could not obtain any really definite information.

MR. DODD: All right.

VON SCHIRACH: Most people had no information. I only received positive—that is, detailed—information by way of the Warthegau.

MR. DODD: Now, as a matter of fact, you got regular reports about the extermination of the Jews, did you not?

VON SCHIRACH: These . . .

MR. DODD: Written reports, I mean.

VON SCHIRACH: These reports, two of which have been submitted in this Court, were sent to the Reich Defense Commissioner for the attention of the expert in question. This expert passed the copies on to the inspector—I believe—or the commander of the regular Police.

I have looked at the copy which was submitted here in Kaltenbrunner's case but I had never seen it before (Document 3876-PS).

MR. DODD: You mean you did not know that it was arriving in your office?

VON SCHIRACH: I have never seen this text before.

MR. DODD: All right.

VON SCHIRACH: My office was the Central Office; it was not the office of the Reich Defense Commissioner. The affairs of the Reich Defense Commissioner were officially in charge of the Regierungspräsident, whose personal adviser took care of routine matters. My mail was delivered at the Central Office.

MR. DODD: You were the Reich Defense Commissioner for that district, were you not?

VON SCHIRACH: Yes.

MR. DODD: This was an SS report of a highly confidential nature, was it not? They were not just peddling this all over Germany?

VON SCHIRACH: I do not know how many copies of this were sent out, I cannot say.

MR. DODD: 100, and you got the sixty-seventh copy.

VON SCHIRACH: And these copies, as I gathered from the original which I saw, were not sent to me but to the competent adviser, a Herr Fischer.

MR. DODD: And who was Herr Fischer?

VON SCHIRACH: I have already told you this morning that I have no idea who this Herr Fischer was. I assume that he was the expert attached to the Regierungspräsident, the expert on defense matters.

MR. DODD: Now, I am going to show you some documents from your own files.

We don't have a full translation, Mr. President, because some of this we located too late (Document 3914-PS).

But I think you will readily recognize this original is from your files. And in there you will find—and I will direct your attention to the page—something that I think will recall to your mind who Dr. Fischer is.

Now, I think it is on Page 29, you will find the names of persons to serve on the Reich Defense Council submitted; and you will find the name of Fischer, together with General Stülpnagel, Major General Gautier, Dr. Förster—do you find that? This was your own Reich Defense Council, before which you appeared from time to time, and with whom you met frequently. And I will show you documents on that, if you care to deny it.

VON SCHIRACH: Just a moment, please. Will you please repeat the page to me?

MR. DODD: Page 29; it is a memorandum dated 28 September 1940.

VON SCHIRACH: I have it now.

MR. DODD: Do you find the name of Dr. Fischer? You found Dr. Fischer's name as one of those suggested to your defense council? His is the last name, by the way, and his signature. He is the one that suggested the others to you.

THE PRESIDENT: Mr. Dodd, will you go a little bit more slowly?

MR. DODD: Yes.

VON SCHIRACH: His name is the twentieth name on the list: "Regierungsrat Dr. Fischer, Expert for Reich Defense Matters"—in other words, expert attached to the Regierungspräsident. I have probably seen him at some meeting or other. I take it that he

kept the minutes. However, I must admit that I have no personal recollection of this gentleman. I cannot attach any owner to that name; but it is clear to me now that he was the person who took charge of incoming mail for the Reich Defense Commissioner and probably kept the minutes as well.

MR. DODD: All right.

VON SCHIRACH: In view of his junior status—he is only a Regierungsrat—he cannot have held any other appointment on this council.

MR. DODD: On Page 31 of that same file you will find another reference to him, and your initials on the paper this time. It is the membership list of the Reich Defense Council. There are 20 persons on there, and the last name is Fischer's. And at the bottom of the page are your initials, apparently approving the list. Do you see that?

VON SCHIRACH: Yes; I had to initial this list.

MR. DODD: And you approved the membership, did you not?

VON SCHIRACH: I cannot swear that I would not recognize Dr. Fischer again if I were confronted with him. He seems to have been the official who kept the minutes. However, among the large circle of people who attended meetings of this kind, he did not come to my attention. Only very few Reich defense meetings of this sort actually took place. What seems to me the decisive point is that he did not report to me personally but to the Regierungspräsident.

MR. DODD: How could you fail to meet him? You met regularly in 1940 with this Reich Defense Council. We have some documents here, and I will be glad to show them to you, showing exactly what you said before that council.

VON SCHIRACH: Yes, as I said, he probably kept the minutes of the meetings.

MR. DODD: Well surely, then, you saw him certainly on some occasions, between 1940, the date of these files, and 1942, the date of the SS reports on the exterminations. He apparently was with you for 2 years before the first report that we have, which is dated 1942, and he was 1 of 20 on your council.

VON SCHIRACH: I believe I must describe the exact composition of this Reich Defense Council. There were the leading commanding generals of the Army and the Luftwaffe; there were various Gauleiter; there were the people mentioned here; there was Dr. Putt, the representative of the Economic Management Staff and all the others who are listed here. In this large circle of people, whom I had to welcome, there was an official who kept the minutes

and who was one of many officials in my office. These meetings, as you have probably ascertained, took place very infrequently. Dr. Fischer did not report to me currently, nor did he submit to me the minutes of these sessions; the Regierungspräsident reported to me.

MR. DODD: Do you think that Heinrich Himmler or Reinhard Heydrich were sending these reports to inferior people around Germany in these Gaue about the exterminations in the East?

VON SCHIRACH: If these reports had been meant for me, they would have been sent to me directly. Moreover, I said today that I do not dispute having been informed of the shooting of Jews in the East, but at a later period. I mentioned that in connection with the war. However, the reports themselves were not in my hands. If these reports had been before me, they would have had a certain note, which I would recognize immediately.

MR. DODD: Well, let's see. Of course they are addressed to you, to the attention of Fischer.

But I am going to move on a little bit. Now I am going to tell you that you got weekly reports. You haven't seen these. What do you say to that?

VON SCHIRACH: Weekly reports?

MR. DODD: Yes.

VON SCHIRACH: I received innumerable weekly reports from every possible office.

MR. DODD: No, I am talking about one kind of report. I am talking about the reports from Heydrich and Himmler.

VON SCHIRACH: I do not know what you mean.

MR. DODD: Well, you had better take a look (Document 3943-PS). We have 55 of them, for 55 weeks. They are all here, and they run consecutively, and Dr. Fischer is not involved in these. And each one bears the stamp of your office having received it on it, and the date that it was received.

They tell, by the way—and you can look at them—what was happening to the Jews in the East.

VON SCHIRACH: All these probably—I cannot look at them all just now. These reports went from the Chief of the Security Police to the Office of the Reich Defense Commissioner. They were not, as I can tell from the first document, initialed by myself, but bear the initials of the Regierungspräsident. I did not receive these reports; otherwise my initial would have to be there.

MR. DODD: Dr. Dellbrügge was the man who received them, according to the note, and he was your chief assistant. Incidentally,

I think we ought to make this clear to the Tribunal, both of your chief assistants were SS Brigadeführer, were they not?

VON SCHIRACH: I should in any case have stated that Dr. Dellbrügge was one of Himmler's confidants; but I believe . . .

MR. DODD: And he was your chief assistant, that is the point I am making. And so was your other chief assistant, also an SS Brigadeführer.

VON SCHIRACH: I believe that this statement proves the opposite of what you want to prove against me.

MR. DODD: Well, I am going to go on with these weekly reports in a minute, but there is one thing I do want to ask you.

Were you pretty friendly with Heydrich?

VON SCHIRACH: I knew Heydrich, and while he was Reich Protector in Prague he extended an invitation to me as President of the Southeastern Europe Society to hold a meeting there which I accepted. However, I did not have close personal contact with Heydrich.

MR. DODD: Did you think he was a good public servant at the time that he was terrorizing Czechoslovakia?

VON SCHIRACH: I had the impression that Heydrich, as he said himself during my stay in Prague, wanted to carry out a policy of conciliation, especially in regard to Czech workers. I did not see in him an exponent of a policy of terror. Of course, I have no practical knowledge of the incidents which took place in Czechoslovakia. I made only this one visit, or possibly one further visit.

MR. DODD: You sent a telegram to "Dear Martin Bormann" when Heydrich was assassinated; do you remember that—the man who was, I understand, not in your good standing in 1942? Do you remember when Heydrich was assassinated by some Czech patriots in Prague?

VON SCHIRACH: Yes.

MR. DODD: Do you remember what you did when you heard about it?

VON SCHIRACH: No, I do not remember exactly.

MR. DODD: Perhaps if I read you this telegram you will remember it.

"To Reichsleiter Bormann, Berlin, Party Chancellery; Express. Urgent. Immediate attention.

"Dear Martin Bormann:

"I request that the following be submitted to the Führer.

"Knowing the Czech population and its attitude in Vienna as well as in the Protectorate, I would draw your attention to the following:

"The enemy powers and the British cliques around Beneš have for a long time felt bitter about the co-operation generally found among the Czech workers and their contribution to the German war economy. They are seeking for a means to play off the Czech population and the Reich against each other. The attack on Heydrich was undoubtedly planned in London. The British arms of the assailant suggest parachuted agents. London hopes by means of this murder to induce the Reich to take extreme measures with the aim of bringing about a resistance movement among Czech workers. In order to prevent the world from thinking that the population of the Protectorate is in opposition to Hitler, these acts must immediately be branded as of British authorship. A sudden and violent air attack on a British cultural town would be most effective and the world would have learned of this through the headline 'Revenge for Heydrich.' That alone should induce Churchill to desist immediately from the procedure begun in Prague of stirring up revolt. The Reich replies to the attack at Prague by a counterattack on world public opinion.

"It is suggested that the following information be given the press tomorrow regarding the attempt on Heydrich's life."

And then you go on to say that it was the work of British agents and that it originated in Britain. You sign it, "Heil Hitler, Dein Schirach."

Do you remember sending that telegram to Bormann?

VON SCHIRACH: I have just been listening to the English translation. I should like to see the German original, please.

MR. DODD: Very well.

THE PRESIDENT: Mr. Dodd, you read, I thought, a British "coastal" town, did you not?

MR. DODD: No, "cultural" I meant to say, Mr. President.

THE PRESIDENT: Yes, that is what I have got.

MR. DODD: Yes, it is "cultural."

Incidentally, I call your attention, Mr. Witness, to the word "cultural." You have expressed such a great interest in culture.

THE PRESIDENT: Would it be all right to break off now, or do you want to go on?

MR. DODD: I had hoped I could finish. I won't be many minutes, but I do have one or two rather important documents that I would like to put to the witness.

Mr. President, if we recess, may I ask that the witness not be talked to by his counsel overnight? I think it is only fair, when

a witness is under cross-examination, that he not have conversations with his counsel.

VON SCHIRACH: I should like to say to this document . . .

DR. SAUTER: Mr. President, I should like to have this question clarified as to whether as defense counsel I am entitled to talk with my client or not. Mr. Dodd forbade me to talk to my client some time ago; and, of course, I acquiesced. But, if I am told that I must not speak to my client until the end of the cross-examination and the cross-examination is to be continued on Monday, that means that I cannot speak with my client tomorrow or the day after. But, in order to carry on his defense, I must have an opportunity of discussing with my client all the points raised here today.

MR. DODD: Mr. President, I will withdraw my request. I really forgot we were going over until Monday. I do think it is the ordinary rule, but I do think it might present some difficulty for the counsel here.

I want to be fair with the Tribunal. During the recess Dr. Sauter approached the witness stand and I did tell him then that I did not think he should talk to him during the recess while he was under cross-examination.

THE PRESIDENT: Well, it is the British rule, but I think in the circumstances we had better let Dr. Sauter . . .

MR. DODD: I quite agree. I was thinking we would go on tomorrow, but I do not want to interfere with his consultation over the weekend.

[The Tribunal adjourned until 27 May 1946 at 1000 hours.]

ONE HUNDRED AND THIRTY-NINTH DAY

Monday, 27 May 1946

Morning Session

[The Defendant Von Schirach resumed the stand.]

MR. DODD: Mr. President, I would like to make certain that I did offer the following documents in evidence: 3914-PS, which becomes USA-863; 3943-PS, USA-864; and 3877-PS, USA-865.

MR. DODD: Mr. Witness, at the close of the session on Friday we had just handed to you a copy of the teletype message to Martin Bormann. I had read it to you over this transmission system. I wish to ask you now if you sent that message to Bormann.

VON SCHIRACH: Yes, I dispatched that teletype message, and I should like to give an explanation in this connection. First...

MR. DODD: May I interrupt you just for a minute and ask that for the little while that we will be talking today, that you wait just a minute after your answer. I think it would help a little bit with the interpreting. I do not think we will have any trouble this morning. I will try to do the same thing, and perhaps we will work a little better together.

VON SCHIRACH: First of all, then, I want to explain why I addressed Bormann with "Du," in the friendly form. Bormann and I come from the same town; I knew him from Weimar, but only slightly. And when in 1928 or '29 he came to Munich, he paid me a visit, and because he was the elder of us he suggested to me that we should call one another "Du." We maintained that form until 1943, when on his own initiative he dropped it and addressed me in his letters only with "Sie."

Now, the text of this teletype message: We were in the third year of the war; the Czech population both in the Protectorate of Bohemia and Moravia and in Vienna had remained perfectly quiet; in the Protectorate conditions were almost like those in peacetime. I had a very large Czech population in Vienna, and as a result of the attempt on Heydrich's life I feared that in the Protectorate there might be unrest which would no doubt have serious repercussions in Vienna. This was the time when German troops were advancing on the peninsula of Kerch; it was a time when we could

not afford to have anything happen behind our front. And simultaneously with the news of the murder of the Protector I received official notification that the attempt, as is mentioned in this document, had been carried out by British agents and with British weapons.

During the same month we heard, and it was also mentioned in the Wehrmacht communiqués, that British bombers had bombed residential areas in Hamburg and Paris and had attacked German cultural sites at Kiel. And so I suggested a reprisal measure to establish before the world British guilt in this attempt and to prevent serious unrest in Czechoslovakia. That is all I have to say. This teletype message is genuine.

May I at this point also comment on a difficulty of translation which occurred during the last cross-examination on Friday? The German word "Retter" was at that time translated into the English "savior." It is an expression which I used in my book when I described the Führer as a "Retter," and the difficulty lies in the translation of that word into English: it can only be translated into English as "savior." But retranslated into German, "savior" means "Heiland." In order to make quite clear what the German "Retter" is meant to express in English, I should have to use an explanatory phrase. If I say that the exact translation is "rescuer," then the real meaning of the word "Retter" is clearly set forth; and there is nothing blasphemous in the comparison or the description of the head of the State as a "rescuer." But if I had written in German that the head of the State was a "Heiland," then, of course, that would be blasphemy.

THE PRESIDENT: This sort of explanation should be kept for re-examination. It is not a matter which ought to interrupt the cross-examination.

MR. DODD: Now, I have only one or two questions to ask you in addition about this message.

Were you thinking of some particular cultural city in Britain, like Cambridge, Oxford, Stratford, Canterbury?

VON SCHIRACH: No, I had no definite plan in mind. I thought that one ought to choose an objective corresponding to the sites hit by British bombers in Germany.

MR. DODD: As long as it was a cultural city. Were you thinking of what happened in Germany or of what happened to Heydrich?

VON SCHIRACH: I was thinking of the cultural buildings in Germany which had been attacked, and I wanted to suggest this as an opportunity to make clear unmistakably that the murder of Heydrich had not been committed by the Czech population but by

the Czech emigrants in London with British support. This retaliation in the third year of the war was to be a reply both to the attempt against Heydrich and to the attacks on German cultural monuments.

MR. DODD: You did not make any reference in this telegram to any so-called or alleged bombings of cultural objects in Germany, did you?

VON SCHIRACH: The Wehrmacht communiqués had already announced them, and they were generally known.

MR. DODD: That is not what I asked you. I asked if it is not a fact that in this teletype you made no reference at all to the alleged bombing of cultural objects in Germany, nor did you relate your suggestion for the bombing of a cultural town in England to any alleged cultural bombing in Germany, but rather, you made it perfectly clear that you wanted to strike at a cultural town in England because of what had happened to Heydrich. That is so, is it not?

VON SCHIRACH: It was not at all necessary for me to point to the bombing of German cultural sites. It was a fact known to the entire German population from the daily attacks of British bombers.

MR. DODD: I suppose by this time you knew very well the general reputation of Heydrich, did you not?

VON SCHIRACH: No, that is not correct. I considered Heydrich in this particular case as the representative of the Reich in Bohemia and Moravia and not as the Chief of the Gestapo.

MR. DODD: Did you know his general reputation in Germany at least at that time?

VON SCHIRACH: I knew that he was the Chief of the Gestapo. I did not know that he had committed the atrocities which have meanwhile become known.

MR. DODD: You had no knowledge that he was considered "the terror of the Gestapo"?

VON SCHIRACH: That is an expression which enemy propaganda used against him.

MR. DODD: You mean you still think it is propaganda?

VON SCHIRACH: No.

MR. DODD: Well, was it through enemy propaganda that you heard that he was called a terror before he was killed in 1942?

VON SCHIRACH: No, I do not want to say that . . .

MR. DODD: How did you know it?

VON SCHIRACH: I merely want to state here that for me the Reich Protector Heydrich was during this third year of the war a person other than the Chief of the Gestapo. This was a political matter.

MR. DODD: You did not content yourself with this suggestion to bomb England, did you? Do you recall what else you suggested not long afterwards?

VON SCHIRACH: No, I do not know.

MR. DODD: Do you recall anything that you either suggested or did by way of further so-called retaliation for the assassination of Heydrich?

VON SCHIRACH: No. I have no recollection.

MR. DODD: You suggested evacuating all the Czechs out of Vienna, did you not?

VON SCHIRACH: This is a suggestion which did not originate with me personally, but which goes back to a remark about Vienna which the Führer himself had made in 1940 while I was reporting to him at his headquarters. I think I already mentioned during my own testimony that he said, "Vienna must become a German city and the Jews and Czechs must gradually be evacuated from Vienna." I already said that during my own testimony here.

MR. DODD: My question is: Is it not a fact that a few days after the assassination of Heydrich you suggested the evacuation of the Czechs from Vienna as a retaliatory measure for the assassination of Heydrich?

VON SCHIRACH: I have no recollection of it, but it is possible that in the excitement of this event, which disquieted me greatly, I said something like that.

MR. DODD: I suggest that you take a look at Document 3886-PS, which becomes USA-866, Mr. President.

Now, this document consists of excerpts from the record of a meeting of the Vienna City Council on 6 June 1942, as you will see on Page 9 of the original. You were present, and according to these notes, you spoke as Reichsleiter Baldur von Schirach and, moving down towards the bottom of that page, you will find this statement:

> "Finally, he"—meaning you—"disclosed that already in the latter part of summer or in the fall of this year all Jews would be removed from the city, and that the removal of the Czechs would then get under way, since this is the necessary and right answer to the crime committed against the Deputy Reich Protector of Bohemia and Moravia."

Do you remember saying that?

VON SCHIRACH: I have no exact recollection, but I consider that these records here are genuine, and they probably represent the sense of what I said at the time. I was very much perturbed by Heydrich's death. I was afraid of serious trouble in Bohemia and Moravia, and I expressed my fears. The essential thing is that after calm consideration of this plan I dropped it, and did nothing more about it.

MR. DODD: Well, in any event, I think it is perfectly clear—and I ask you if you do not agree—that you made two suggestions at least: one for the bombing of a cultural English town and the other for the wholesale evacuation of the Czechs from Vienna, because of the assassination of this man Heydrich.

VON SCHIRACH: It is true that I put the idea of such an evacuation of the Czechs into words. It is equally true, and a historical fact, that I dropped the idea and that it was never carried out. It is correct that I suggested the bombing of a British cultural site as an answer to the attempt against Heydrich and to the innumerable bombardments of German cultural places in the third year of the war, at a time when vital interests of the German people were at stake.

MR. DODD: Incidentally, Hitler also suggested the wholesale evacuation of the Czechs from Czechoslovakia as a punishment for the murder of Heydrich, did he not?

VON SCHIRACH: That I do not know.

MR. DODD: Now I want to turn to something else and see if we can get through here rather soon this morning. You recall that on Friday we talked a little bit about your relationship with the SS and with Himmler, and I want to ask you this morning if it is not a fact, Mr. Witness, that you worked very closely with Himmler and his SS from almost the earliest days right down to almost the last days of your regime in Vienna. I wish you would answer that question.

VON SCHIRACH: I should very much like to answer that question in great detail.

MR. DODD: It does not require great detail in the first answer, but later, if you feel that you have some necessary explanation, I am sure you will be permitted to do so. Will you tell the Tribunal first of all, rather, if it is not a fact that you did closely co-operate with Himmler and his SS from the earliest days of your public office to the very late days of your public office?

VON SCHIRACH: Close collaboration in the sense that Himmler had considerable influence upon education did not exist.

MR. DODD: Let us stop right there and inquire a little bit. Is it not a fact that Himmler assigned his SS personnel to your youth organization for the training purpose of your young people? You can answer that very simply. Did he or did he not?

VON SCHIRACH: For training purposes?

MR. DODD: Yes.

VON SCHIRACH: I am not aware of anything like that. The fact that there might have been liaison officers would not be unusual, because practically all ministries and organizations had liaison officers. What you have just suggested, however, I do not recall.

MR. DODD: I think we had better clear this up first, and I ask you that you look at Document 3931-PS, which is a new document which becomes USA-867, Mr. President.

Now, Mr. Witness, if you will look at this document, you will observe that it is a message which you sent to "Dear Party Member Bormann" in August of 1941. It is quite long, and there will not be any necessity, I am sure, for reading all of it, but I want to direct your attention to some parts of it that might help your memory with respect to the SS.

By way of preliminary question, the SA apparently had suggested that it take over some of the training of young people, had it not, some time in the summer of 1941?

VON SCHIRACH: I said in my testimony—I think on Thursday—that already in the spring of 1939, I believe, the SA had attempted to take over the premilitary training of the youth of the two older age classes, and such attempts were probably repeated in 1941.

MR. DODD: Yes, I knew you were complaining to Bormann about it when you wrote this message. You recall now, do you not, from just looking at the letter, that that is the whole substance of the letter—a complaint about the attempt of the SA to directly control the training of some young people in the Hitler Youth organization.

VON SCHIRACH: I cannot speak about this long teletype letter without having read through it.

MR. DODD: Well, let us see. If you will turn to the second page of the English text—you do not have any pages there; I think it is all one. It is all a teletype, but it will be not too far down on the first part of it. First of all, I want to have you see if you can find the statement that "the Hitler Youth has considered it necessary from the very beginning to make the Party itself the agency for the

direction and administration of its military training." Do you find that passage?

VON SCHIRACH: No.

MR. DODD: Well, you will find the paragraph numbered (1) on your teletype, small Arabic number one. You will find they start to be numbered (1), (2), (3), and so on. Do you find that, Mr. Witness?

VON SCHIRACH: I have Roman numeral I.

MR. DODD: All right. That is what I want to call your attention to. If we hit some place that we agree on, then we can move on. You found that Number (1) that says that "for more than one year an agreement in draft form has been submitted to the SA which requests that the SA cadre be furnished for the military training of the youth," and that the SA leadership did not comply with this request.

Now, will you move down further, let me see, in Number (3), and then following (3), probably down another whole length three or four paragraphs, you will find—it is in capital letters, by the way—what I want to call your attention to; I assume it is in capital letters in the German:

> "I would be happy if the SA would put personnel at my disposal for support for this purpose, similar to the way in which the SS and the Police have been doing for a long time already."

In the English, Mr. President, that is at the bottom of Page 4 and the top of Page 5.

[Turning to the defendant.] Did you find that sentence?

VON SCHIRACH: Yes.

MR. DODD: You say there that you would be happy if the SA would put personnel at your disposal for support of this purpose, similar to the way in which the SS and the Police have been doing for a long time already, and you are referring—if you will read back to the paragraph just ahead of that sentence—to the training of the young people. You talk about Hitler Schools and the training of Hitler Youth. Now, it is perfectly clear, is it not, that you did have assistance from the SS, according to your own words, from the SS and Police, for a long time before you sent this message?

VON SCHIRACH: During the war, yes; since the beginning of the war in 1939 we had premilitary training camps and I wanted youth instructors for these camps. Neither the Army nor the SA could supply sufficient instructors; the SS and the Police could place a few young officers at my disposal.

MR. DODD: So it was only from the beginning of the war that you had personnel from the SS and Police for the training of young people, was it?

VON SCHIRACH: I do not think that there would have been need for SS instructors otherwise. As I have said, we selected youth leaders from among youth itself.

MR. DODD: I ask you again, do you want the Tribunal to understand that it was only from the beginning of the war that you had the assistance of SS and Police personnel assigned to your youth organization for the training of young people?

VON SCHIRACH: I cannot answer that question definitely for this reason: we had for example a training camp for skiing practice, and it was quite possible that one of the instructors was an SA man or an SS man only because by chance he happened to be one of the best sportsmen in that field. But I cannot think where such collaboration existed elsewhere.

MR. DODD: Are you able to say that you did not have SS personnel assigned for training purposes; and I am not talking about some isolated skimaster, I am talking about a regular program of assistance from the SS to you in your training of young people.

VON SCHIRACH: As far as premilitary training is concerned, it was only through this teletype message that I requested help for training purposes. Apart from that, I do not recollect any collaboration.

MR. DODD: Do you know the term "Heuaktion"?

VON SCHIRACH: Heuaktion? I do not remember it. I do not know what is meant by that.

MR. DODD: Well, you have been in the courtroom every day. Do you not remember that there was proof offered here by the Prosecution concerning the Defendant Rosenberg and an action termed Heuaktion?

VON SCHIRACH: No, I do not remember it at the moment; I do not know it.

MR. DODD: Do you not remember that there was some talk here in the courtroom about the seizing of young people in the East and forcing them to be brought to Germany, 40,000 or 50,000 youths at the ages of 10 to 14? You remember that, don't you, and that one of the purposes was to destroy the biological potentiality of these people? You do not know what I refer to?

VON SCHIRACH: Yes, that is an action which I now remember in connection with this Trial. The only thing I can say on this in an official capacity is what Axmann told me during the war—I cannot recall the exact year—namely, that he had placed a large number of young Russians in apprentice hostels and apprentice workshops at the Junkers works in Dessau, and that these youths

were extremely well accommodated and looked after there. I had not been in any way concerned with this action before, but as I stated at the beginning of my testimony here, I assume responsibility for the actions of youth in this war; I adhere to that statement. I do not think, however, that youth is responsible in this case, and I recall the Defendant Rosenberg's statements that he was complying with the wishes of the Army and an army group in this affair.

MR. DODD: Well, we have the document here. It is already in evidence as USA-171—the Tribunal is familiar with it—and I would like to call your attention to the fact that in this document, which says that Rosenberg agreed to the program of seizing or apprehending 40,000 to 50,000 youths at the ages of 10 to 14 and the transportation of them to the Reich, it also said that this program can be accomplished with the help of the officers of the Hitler Youth through the Youth Bureau of Rosenberg's Ministry; and it also said that a number of these young people were to be detailed to the SS and SS auxiliaries. Now, what I want to ask you particularly is what you know about that program and how the Hitler Youth co-operated in it?

VON SCHIRACH: I cannot add to what I have already said about this program.

MR. DODD: You were in charge of the war commitment of the Hitler Youth, were you not, the "Kriegseinsatz"?

VON SCHIRACH: The war commitment of German youth was under immediate direction of the Reich Youth Leader. From my own knowledge I can give only general but no detailed information.

MR. DODD: Mr. Witness, I ask you again, were you not appointed and did you not serve as the person responsible for the war commitment of youth in Germany? Now, I have got the document to show your appointment if you want to see it.

VON SCHIRACH: Yes; I do not want to deny it at all. In 1939 and 1940, as long as I was Reich Youth Leader, I myself directed that war commitment.

MR. DODD: I am talking about an appointment that was made even later than 1939 or 1940. You were appointed the person in charge of the war commitment of German youth by the Führer at his headquarters in March of 1942, were you not?

VON SCHIRACH: Will you be good enough to show me the document. I consider it possible, but I have no exact recollection.

MR. DODD: All right. It is 3933-PS, which becomes USA-868. But first of all: You do not know you were appointed in charge of the war commitment for youth without being shown the document?

VON SCHIRACH: No; only I cannot tell you the exact date from memory. I was under the impression that I had been responsible for the war commitment beginning in 1939.

MR. DODD: All right, that is all I wanted to establish, that you were in fact responsible for it and continued to be responsible for it right up to the end of the war. I understood you to say a minute ago that the Reich Youth Leader was the man responsible rather than yourself?

VON SCHIRACH: No. I said that I could give you only general but no special information, because the practical application of the war commitment was a matter for Axmann; I do not, however, want to minimize my own responsibility in any way.

MR. DODD: Very well. I think we are sufficiently clear about the fact that you were certainly named to the position no matter how you now wish to "water" your responsibility. What do you say is the date when you first became responsible for the war commitment of youth?

VON SCHIRACH: As far as I remember, I was responsible for it beginning 1939, at the outbreak of war, but I now see that this decree was not signed until 1942.

MR. DODD: All right; we will agree then that from that date, March 1942, you were responsible. Now, I want to ask you to look at another document.

VON SCHIRACH: One moment, may I explain something in this connection? I do not know whether Hitler signed this decree in March 1942; I do not know when it was signed. In this document Axmann tells me: the draft of the decree is now going to the Chief of the Reich Chancellery, who will request the official approval of the higher Reich authorities concerned, and then Bormann . . .

MR. DODD: You do not need to read it, really. What do you want to say now? Are you saying that maybe it was not signed, or maybe you were not appointed, or are you going to say that you were appointed? Will you please give us an answer?

VON SCHIRACH: Not at all. But I really cannot say that the date of the publication of this decree was March 1942. It may not have been published until May.

MR. DODD: I am not attaching any great importance to the date. I want you to look at 345-PS, which we offer as USA-869. This may help you on this Heuaktion program; that is, with respect to your memory.

Now, this is a telegram that the Defendant Rosenberg sent to Dr. Lammers at the Reich Chancellery for the Führer's headquarters

on 20 July 1944. You will observe that in the first paragraph there is stated:

> "In accordance with an agreement between the Reich Marshal as Commander-in-Chief of the Air Force, the Reichsführer SS, the Youth Führer of the German Reich, and the Reich Minister for the Occupied Eastern Territories, the recruiting of young Russians, Ukrainians, White Ruthenians, Lithuanians, and Tartars, between 15 and 20 years of age, 'will take place on a volunteer basis for Kriegseinsatz in the Reich' "—"Kriegseinsatz" being a program that you were responsible for clearly at that time.

Now, moving down, I want to call your attention to Paragraph 3, and I want to remind you of the Heuaktion document that is already in evidence. This telegram says:

> "On the basis of a suggestion by military offices, the seizing and turning over of youths between the ages of 10 to 14 to the Reich territories will take place (Heuaktion) in a part of the operational territory, since the youths in the operational territory present a not insignificant burden."

It goes on to say:

> "The aim of the action is a further disposal of the youths by placing them in the Reich Youth Movement, and the training of apprentices for German economy in a form similar to that which has been effected in agreement with the Plenipotentiary General for the Allocation of Labor with White Russian Youths, which already shows results."

I particularly call your attention to that last phrase, "which already shows results."

Then the last clause in the next sentence, which says, "... these youths are to be used later in the Occupied Eastern Territories as especially reliable construction forces."

You will observe that the last paragraph says that "the actions under Points 1 and 3"—which I have just been reading—"are known to the Führer." And there is something about SS help in regard to this action. You had set a time limit on that.

The next page of the document has the distribution, to the Reich Marshal, the Reichsführer SS, the Reich Youth Führer, and the Reich Minister of Interior, and down at the bottom, a Gauleiter bureau, among others.

What do you know about this seizing of young people between 10 and 14 and the turning over of them to your youth organization in Germany during these war years, and about how many thousands of them were so kidnaped, if you know?

VON SCHIRACH: I have already said that I do not wish to minimize my responsibility in this connection. But it was not until later that I was informed of this matter. Not I, but somebody else was Youth Leader of the German Reich in that year; and he made the agreement with the Commander-in-Chief of the Air Force and the Reichsführer SS. But my own measures were . . .

MR. DODD: Later you were the Youth Reichsleiter of Germany, were you not? And you were also the war commitment officer of Youth in Germany at this very time?

VON SCHIRACH: I was at Vienna, and the date was 20 July 1944. You will remember that the history-making events of that time were occupying all officials in Germany to a very great extent. Later I heard about this matter from Axmann, and I know that the accommodation, training, feeding, and the whole treatment of these Russian youths was actually excellent.

MR. DODD: You also know that even at this hour the Allied forces are trying to find thousands of these young people to return them to their proper place? Do you know that this morning's press carried an account of 10,000 people that are still unlocated?

VON SCHIRACH: I do not believe that those are these young people who were accommodated in apprentice hostels and who under exceptionally well-ordered conditions received very good professional training.

MR. DODD: You see, it is perfectly clear from this Document 345-PS that this program was in fact in operation. The letter from Rosenberg says so. He says it had "already shown results." And so your youth organization must have had something to do with it before this message was sent.

VON SCHIRACH: I have not at all denied that. Youth leaders were active within the framework of the Reich Ministry for the Occupied Eastern Territories. And on the basis of what I have heard here during the Trial, I can perfectly well understand that the generals in the East said that the young people must be taken out of the combat zone. The point was that these youngsters from 10 to 14 years of age had to be taken away from the front.

MR. DODD: With the help of the SS?

Now, I want to show you another document, 1137-PS, which will give you some idea, if you do not recall, of what was done with these young people, and how many of them are involved.

That will become USA-870.

THE PRESIDENT: Mr. Dodd, there is a paragraph at the bottom of Page 1 of that document which relates to another defendant.

MR. DODD: Yes, Your Honor, I am sorry; I overlooked that. I will read it for the benefit of the record, if I may, at this time.

Mr. Witness, I direct your attention back, if I may, to this Document 345-PS, so that you will be aware of what I am reading. You will observe that in the last paragraph of Rosenberg's communication to Dr. Lammers we find this sentence:

"I have learned that Gauleiter Sauckel will be at the Führer's headquarters on 21 July 1944. I ask that this be taken up with him there and then a report made to the Führer."

Sauckel was participating in this kidnaping of 10- to 14-year-olds as well, was he? Do you know about that?

VON SCHIRACH: I have no knowledge of it. I cannot give any information on that subject.

MR. DODD: Now, this Document 1137-PS begins with a letter from a general, a message rather, an interoffice memorandum, dated 27 October 1944, and it closes with a report by the brigadier general of the Hitler Youth, a man named Nickel.

Do you know Nickel, by the way? N-i-c-k-e-l?

VON SCHIRACH: The name is known to me, and probably I know the man personally; but at the moment I do not recall more than just the name. At any rate, he was not a brigadier general; he was a Hauptbannführer.

MR. DODD: Well, all right. Whatever he was, he was an official of the youth organization. That is all I am trying to establish. I may have his title wrong. We have it brigadier general.

But in any event, if you look over this document, you will see that he is reporting about the seizing of these youths in the Occupied Eastern Territory. This is October 1944. And he begins by saying that on 5 March he "received an order to open an office for the recruitment of youths from 15 to 20 years of age from the Occupied Eastern Territories for war employment in the Reich."

Then he goes on to cite figures, and he tells where he began his work: Lithuania, Estonia, Latvia, the middle sector of the Eastern front, the southern sector of the Eastern front. And then on the next page of the English—and I imagine it is also on your next page—it tells how they were classified, those that were brought back:

"1,383 Russian SS Auxiliaries, 5,953 Ukrainian SS Auxiliaries, 2,354 White Ruthenian SS Auxiliaries, 1,012 Lithuanian SS Auxiliaries."

Then he gets into the Air Force: "3,000 Estonian Air Force Auxiliaries," and so on. Some went to the Navy.

I am not going to read all of it; but it gives you an idea of what distribution was made of these men, or young boys and girls rather than men. You will notice that a considerable number went to the SS.

VON SCHIRACH: Yes, but Hauptbannführer Nickel's letter bears a stamp with the words "Reich Minister for Occupied Eastern Territories." That means he was not acting on behalf of the Reich Youth Leader's department but on behalf of the Reich Ministry for the East.

MR. DODD: Yes. I also want to ask you if you will look at Page 6. I think it is Page 5 of the original of your German. You will find what personnel Hauptbannführer Nickel had for the purpose of carrying out his task. He had members of the Hitler Youth, so he says: 5 leaders, 3 BDM leaders, 71 German youth leaders as translators and assistant instructors, 26 SS leaders, 234 noncommissioned officers and troops, drivers, and translators of the SS. And of the Air Force personnel, he had 37 officers, 221 noncoms, and so on.

Does that help your memory any with this program that your youth people were engaging in? Do you recall any more of it now?

VON SCHIRACH: It does not help my memory at all, because I hear this for the first time from this document. I was not informed of the activities of the Eastern Ministry in Russia, and I do not know what assignment the Eastern Ministry gave to Hitler Youth Leader Nickel. I assume responsibility for what was done on my orders, but anything done on the orders of others must be their responsibility.

MR. DODD: Let me show you something with respect to your answer that you have just made. That personnel that I read out, you know, was only in one part of the program. And on the last page of the document you will see on how wide an area Nickel was operating. He was operating in co-operation with the Netherlands Hitler Youth Operational Command, the Adria Hitler Youth Operational Command, the Southern Hitler Youth Operational Command in Slovakia and Hungary, the Lieutenant Nagel Special Command in refugee camps within the Reich, and then, interestingly enough, the field offices in Vienna.

That is where you were located at the time, is it not? And you are telling the Tribunal you did not know anything about this program and the participation of your Hitler Youth Leaders?

VON SCHIRACH: I received no written or verbal report from Nickel. His report, as can be seen from the letter, went to the Reich Ministry for the Occupied Eastern Territories, and to what extent the Reich Youth Leader was being informed is not known to me. I myself do not know what took place. What I do know of the entire affair I very clearly stated in my testimony with reference to the Junkers works and the professional training which these youngsters

were given in Germany. Apart from that I have no further knowledge.

MR. DODD: Observe also, if you will, Mr. Witness, that your Hitler Youth Operational Command was in Poland and even in northern Italy. And now I ask you once again, as the long-time Hitler Youth Leader, as the leader for the War Commitment of Youth, then Gauleiter in Vienna, with part of this program being carried on in Vienna and the whole program being carried on on this vast scale, do you want the Tribunal to believe that you knew nothing about it?

VON SCHIRACH: I have no knowledge of it, but I assume responsibility for it.

MR. DODD: You told the Tribunal in your direct examination that you wrote the letter to Streicher's *Stürmer*.

I would like to submit this in evidence, Mr. President, so that the Tribunal will have an idea of what it appeared like on the front page of *Der Stürmer*.

Perhaps—if you would like to look at it, you may, of course, Mr. Witness. It is USA-871. I just wanted you to have a look at it before it was submitted. You know about it anyway.

VON SCHIRACH: I already made a statement about that the other day.

MR. DODD: Yes, I did not wish to go into it further. What I do want to ask you, Mr. Witness, is: Do I understand you clearly when I say that from your testimony we gathered that it was Hitler who ordered the evacuation of the Jews from Vienna and that you really did not suggest it or wish to see it carried out? Is that a fair understanding of your testimony of a day or two ago?

VON SCHIRACH: I stated the other day, and I repeat this, that the idea of evacuating the Jews from Vienna was Hitler's idea which he communicated to me in 1940 at his headquarters. Furthermore, and I want to make this quite clear, I stated that after the events of those November days in 1938 I was actually of the opinion that it would be better for the Jewish population to be accommodated in a closed settlement than to be regularly singled out by Goebbels as a target for his propaganda and his organized actions. I also said that I identified myself with that action suggested by Hitler, but did not carry it out.

MR. DODD: Now you had a meeting at the Führer's headquarters in October 1940. Present was the Defendant Frank and the now notorious Koch whom we have heard so much about. Do you remember that meeting?

VON SCHIRACH: I no longer recall it exactly.

MR. DODD: Now, you mean you do not recall that meeting at all?

VON SCHIRACH: In October 1940 I was in the Reich Chancellery because that was the time when I was organizing the evacuation of youth. It is possible that at lunch . . .

THE PRESIDENT: You were asked whether you recalled a particular meeting in October 1940 with certain particular people. Do you remember it or do you not?

VON SCHIRACH: I have no recollection of it. If I am shown a document, then I can confirm it.

MR. DODD: Very well; that is what I wanted to know. I will now show you the document USSR-172. A part of this document was read over the system for the Tribunal by Colonel Pokrovsky. Now you will observe that on 2 October—this is a memorandum, by the way, made up of the meeting. Herr Martin Bormann compiled these notes, so I assume he was there too. After a dinner at the Führer's apartment there developed a conversation on the nature of the Government General:

> "The treatment of the Poles and the incorporation already approved by the Führer for the districts Petrikau and Tomassov."

Then it says:

> "The conversation began when Reich Minister Dr. Frank informed the Führer that the activities in the Government General could be termed very successful. The Jews in Warsaw and other cities were now locked up in the ghettos and Kraków would very shortly be cleared of them. Reichsleiter Von Schirach, who had taken his seat at the Führer's other side, remarked that he still had more than 50,000 Jews in Vienna whom Dr. Frank would have to take over. Party Member Dr. Frank said this was impossible. Gauleiter Koch then pointed out that he, too, had up to now not transferred either Poles or Jews from the District of Ziechenau, but that these Jews and Poles would now, of course, have to be accepted by the Government General."

And it goes on to say that Dr. Frank protested against this also. He said there were not housing facilities—I am not quoting directly, I do not want to read all of it—and that there were not sufficient other facilities. Do you remember that conference now?

VON SCHIRACH: Yes, I have refreshed my memory now.

MR. DODD: Yes. And you suggested that you wanted to get 50,000 Jews moved into Frank's territory out of Vienna, didn't you?

VON SCHIRACH: That is not correct. The Führer asked me how many Jews were still in Vienna, and at that time—I mentioned

this during my own testimony the other day and it is contained in the files—there were still 60,000 Jews in Vienna. During that conversation, in which the question of settling Jews in the Government General was discussed, I also said that these 60,000 Jews from Vienna were still to be transferred to the Government General. I told you earlier that as a result of the events of November 1938 I was in favor of the Führer's plan to take the Jews to a closed settlement.

MR. DODD: Well now, later on, as you know from USA-681 concerning which your own counsel inquired, Lammers sent you a message in Vienna and he said the Führer had decided, after receipt of one of the reports made by you, that the 60,000 Jews in Vienna would be deported most rapidly, and that was just 2 months after this conference that you had with Frank and Koch and Hitler, wasn't it?

VON SCHIRACH: Yes, since 1937—and I think that becomes clear from the Hossbach minutes—the Führer had the idea of expatriating the Jewish population. This plan, however, did not become known to me until August 1940 when I took over the Vienna district. I reported to Hitler on that occasion, and he asked me how many Jews there were in Vienna. I answered his question, and he told me that he actually wanted all of them to be settled in the Government General.

MR. DODD: How many Jews did you, in fact, deport out of your district while you were the Gauleiter?

VON SCHIRACH: First of all, the practical measures of that action were not in my hands. I do not know how many of these 60,000 Jews were actually transported out of Vienna.

MR. DODD: Do you have any idea where they went to?

VON SCHIRACH: I was informed that the aged were being taken to Theresienstadt and the others to Poland, to the Government General. On one occasion—it was either when I took my oath of office as Governor or when I made a speech about the evacuation of children—I even asked Hitler how these Jews were being employed, and he told me: in accordance with their professions.

MR. DODD: We will get around to that. You remember, don't you, that they were sent, at least some of them were sent, to the cities of Riga and Minsk, and you were so notified. Do you remember receiving that information?

VON SCHIRACH: No.

MR. DODD: Now take a look at Document 3921-PS, which becomes USA-872. Now this is a communication concerning the evacuation of Jews, and it shows that 50,000 Jews were to be sent

to the Minsk-Riga area, and you got a copy of this report as the Commissar for the Defense of the Reich, and if you will look on the last page you will see an initial there of your chief assistant, the SS man Dellbrügge, and also the stamp of your own office as having received it.

VON SCHIRACH: I can only see that Dr. Dellbrügge marked the matter for filing. It shows the letters "z. d. A." to the files.

MR. DODD: And he did not tell you about this report concerning the Jews? Even though you had been talking to Hitler about it? That they were being moved out of your area? I suppose your chief assistant did not bother to tell you anything about it. Is that what you want us to understand?

VON SCHIRACH: Yes.

MR. DODD: Now then, take a look at another document which will shed some light on this one. It is USA-808, already in evidence. It tells you what happened to the Jews in Minsk and Riga, and this was also received in your office if you recall. Maybe it is not necessary to show it to you again. You remember the document—that is one of those monthly reports from Heydrich wherein he said that there were 29,000 Jews in Riga and they had been reduced to 2,500, and that 33,210 were shot by the special unit, and "Einsatz" group. Do you remember that?

VON SCHIRACH: During the last 2 days I looked at these monthly reports most carefully. The bottom right-hand corner of the cover of these monthly reports—and I want to make this categorically clear—bears initials something like "Dr. FSCH.," that is Dr. Fischer's initials. At the top the reports are not initialed by me, but by the Government President, with the notation that they should be put into the files. If I had read them . . .

MR. DODD: I am not suggesting that you had your initials on any document like this, but I am claiming that these documents came into your organization and into the hands of your principal assistant.

VON SCHIRACH: But I must point out that if they had been submitted to me, then there would have been on them the notation, "submitted to the Reichsleiter," and the official submitting them would have initialed this notation. If I myself had seen them, then my own initials would be on them with the letters "K.g.," noted.

MR. DODD: Yes. I want to remind you that the date of that report is February 1942, and I also want to remind you that in there as well Heydrich tells you how many Jews they had killed in Minsk. Now you made a speech one time in Poland about the Polish or the Eastern policy of Germany. Do you remember it, Mr. Witness?

VON SCHIRACH: In Poland?

MR. DODD: In Poland, yes.

VON SCHIRACH: In 1939 I spent a short time in Poland, but I do not think I was there again later.

MR. DODD: Your memory seems particularly poor this morning. Don't you remember speaking in Katowice on 20 January 1942?

VON SCHIRACH: That is Upper Silesia.

MR. DODD: Upper Silesia, all right. Do you remember that speech?

VON SCHIRACH: Yes, I made a speech at Katowice.

MR. DODD: And did you talk about Hitler's policy for the Eastern Territories?

VON SCHIRACH: I cannot say from memory what I spoke about there. I have made many speeches.

MR. DODD: Well, I will ask that you be shown D-664, which becomes USA-873. You were speaking to a group of Party leaders and German youth leaders.

VON SCHIRACH: Yes.

MR. DODD: In Paragraph 7, you dealt with the tasks of German youth in the East. The Hitler Youth had carried out political schooling along the line of the Führer's Eastern policy and you went on to say how grateful you were to the Führer for having turned the German people toward the East, because the East was the destiny of your people. What did you understand to be the Führer's Eastern policy, or did you have a good understanding of it at that time?

VON SCHIRACH: I said this in Upper Silesia out of gratitude for the return of that territory to us.

MR. DODD: Well, I didn't ask you that, really. I asked you if you then understood the Führer's policy when you made that speech?

VON SCHIRACH: On the basis of our victory over Poland and the recovery of German soil, I naturally affirmed Germany's policy.

MR. DODD: You not only affirmed it, but I want to know if you really understood it.

VON SCHIRACH: I do not quite know how I should answer that question. Probably Hitler's conception of the term Eastern policy was quite different from mine.

MR. DODD: But my point is that he had told you about it, hadn't he, some time before you made this speech?

You had better look back at that document you have in your hands, USSR-172, and you will find that after you and Frank and Koch and Hitler finished talking about deporting the Jews from Vienna, the Führer then told you what he intended to do with the Polish people, and it is not a very pretty story, if you will look at it.

VON SCHIRACH: Hitler says here:

"The ideal picture would be that a Pole in the Government General had only a small parcel of land sufficient to feed himself and his family fairly well. Anything else he might require in cash for clothing, additional food, and so on he would have to earn by working in Germany. The Government General would be the central office for providing untrained workers, particularly agricultural workers. The livelihood of these workers would be assured, for they could always be used as cheap labor. There would be no question of further agricultural labor for Poland."

MR. DODD: Let me read a few excerpts that I think you have missed:

"The Führer further emphasized that the Poles, in direct contrast to our German workmen, are born for hard labor . . ." and so on. "The standard of living in Poland has to be and to remain low."

Moving over to the next page:

"We, the Germans, had on one hand overpopulated industrial districts, while there was also a shortage of manpower for agriculture. That is where we could make use of Polish laborers. For this reason, it would be right to have a large surplus of manpower in the Government General so that every year the laborers needed by the Reich could in fact be procured from there. It is indispensable to keep in mind that there must be no Polish land owners. However cruel this may sound, wherever they are, they must be exterminated. Of course, there must be no mixing of blood with the Poles."

Further on, he had to stress once more that:

"There should be one master only for the Poles, the Germans. Two masters side by side cannot exist. All representatives of the Polish intelligentsia are to be exterminated. This sounds cruel, but such is the law of life."

Stopping there for a minute, by the way, Mr. Witness—you are a man of culture, so you have told the Tribunal—how did that sentiment expressed by the Führer impress you?

VON SCHIRACH: I have never agreed with these opinions of the Führer, and I said here that I approached him in 1943 on the

subject of this policy in the Ukraine. When in 1942 I talked about Eastern policy in Katowice, the German town of Katowice, to the German population of Upper Silesia, then, of course, I did not mean this brutal Polish policy of Hitler.

MR. DODD: But you knew about it when you made the speech, did you not?

VON SCHIRACH: I did not recollect it on that occasion 2 years later, and my speech did not mean it either.

MR. DODD: You forgot that Hitler said he must exterminate the intelligentsia, that you must be masters of these people, that they must remain at a low standard of living? Did that pass out of your mind so easily?

VON SCHIRACH: I remember that speech in Katowice; I spoke there about completely different matters. I assume that the Prosecution even has the shorthand record of that speech and need only submit it here. This is just a short extract.

MR. DODD: But, you see, Mr. Witness, the point is, knowing what the policy was, I would like to have you tell the Tribunal how you could urge and praise that policy to a group of young people and party leaders on the occasion of this speech in Katowice.

VON SCHIRACH: The policy which I was recommending to youth leaders there was not the policy which Hitler developed in his table talk.

MR. DODD: Of course, you said it was the Führer's policy in your speech, and you know what it was, but I won't press it further if that is your answer.

VON SCHIRACH: Very often probably—and I once said this here—I supported the policy of the Führer out of erroneous loyalty to him. I know that it was not right.

MR. DODD: That is what I want to know. You were, weren't you, acting under an impulse of loyalty to the Führer. Now you recognize it to be erroneous, and that is all I am inquiring for, and if you tell the Tribunal that, I shall be perfectly satisfied.

VON SCHIRACH: Yes, I am prepared to admit that.

MR. DODD: Very well. And, Mr. Witness, now we are getting to it; that goes for all these things that went on.

VON SCHIRACH: Not at all.

MR. DODD: Don't you have to say to the Tribunal, concerning your letter to *Der Stürmer,* and all these things you said about the Jewish people to the young people, and this slow building up of race hatred in them, the co-operation with the SS, your handling

of the Jews in Vienna, that for all these things you are, and for all of them, responsible?

VON SCHIRACH: No.

MR. DODD: Finally, I want to offer in evidence, Mr. President, some excerpts from these weekly SS reports to which I referred briefly on Friday, so that they shall be before the Tribunal. There are 55 of them, Mr. President, and they run consecutively by weeks, and they all bear the stamp of this defendant's office as having been received there, and they supplant the monthly report which was received up to the time that weekly reports began arriving.

We have not had all of them translated or mimeographed, and if the defendant wishes to put in any others, we will make them available, of course. We have selected a few as samples to illustrate the kind of report that was contained in these weekly reports, and I wish to offer them.

The first one is Number 1, beginning on 1 May 1942, and Numbers 4, 6, 7, 9, 38, 41, and 49.

Now I want to make this clear to you, Mr. Witness, out of fairness. Besides statements concerning what was happening to the Jews, you will find in these weekly reports a number of statements about the partisan affairs in the East as well. These excerpts have mostly to do with what happened to the Jews, and we have not, Mr. President, drawn out a great number that had to do with the partisans. There are a number, however, that do have to do with partisans and not with the Jews, so we wish there to be no doubt about how we offer these weekly reports. I just want to ask you, with respect to these weekly reports: Do you this morning recall that you did receive them every week in your office?

VON SCHIRACH: But that is not my office. My office is the Central Office. That office was directed by the Government President, and one of his officials initialed the files, as appears from the marking on them, and as any official trained in German office routine can confirm. They were then put before the Government President who marked them "for the files" and initialed them. I could not know these documents at all.

MR. DODD: Now just a minute. You were the Reich Commissioner for the defense of that territory; weren't you?

VON SCHIRACH: Yes.

MR. DODD: And that is the stamp that is on these weekly reports, isn't it?

VON SCHIRACH: Yes.

MR. DODD: Well, what do you mean by saying that it was not your office?

VON SCHIRACH: Because the mail, by a procedure similar to that in a ministry, where it goes to the office of the minister, reached me in the Central Office; and a corresponding notation had to be made on these files. I can understand perfectly well why the Government President, since I was overburdened with work, did not submit to me material which had no connection at all with Vienna or my activities, but which was merely informatory and concerned with events in Russia, mostly guerrilla fighting in Russia.

MR. DODD: I am going to ask you again, as I have so many times in the course of this examination: Dellbrügge, who initialed these, was your principal assistant, wasn't he? Yes or no?

VON SCHIRACH: Yes, he was one of my three deputies.

MR. DODD: And he was also an SS man, and so was your other principal assistant, as we asked the other day.

VON SCHIRACH: Dellbrügge was a high SS leader. He was a special confidant of the Reichsführer SS.

MR. DODD: How did he happen to be working for you?

VON SCHIRACH: He was assigned to me there.

MR. DODD: Mr. President, I don't think it is necessary to read any excerpts from these weekly reports. They have been translated into four languages, and—well, I am misinformed. I thought they were translated. Then I think it would be better if we do have them translated and submit them at a later date rather than take the time to read them now.

I have no further questions.

THE PRESIDENT: Do you want to re-examine? We had better adjourn now.

[A recess was taken.]

MAJOR GENERAL G. A. ALEXANDROV (Assistant Prosecutor for the U.S.S.R.): Do you admit that the Hitler Jugend had the task of inculcating German youth and children, starting from 9 years of age, with Fascist ideology?

Do you hear me?

VON SCHIRACH: Yes, I understood you to ask, whether, I would admit having inculcated Fascist ideas into 10- to 14-year-old children of the Hitler Youth?

As I said in my testimony a few days ago, I saw my mission and my duty in educating German youth to be citizens of the National Socialist State . . .

THE PRESIDENT: *[Interposing.]* That is not an answer to the question. It is not necessary for you to tell us what you said in

your previous evidence. Will you just answer the question: Do you admit that you inculcated in the Hitler Youth Hitler's ideology? You can answer that "yes" or "no."

VON SCHIRACH: I cannot answer that question with "yes," because it referred to Fascism. There is a great difference between Fascism and National Socialism. I cannot answer that question with "yes." I did educate German youth in the spirit of National Socialism, that I can admit.

GEN. ALEXANDROV: I would like you to confirm the evidence which you gave on 16 November 1945, during your interrogation. You defined your personal attitude to Hitler in the following way; and I quote your evidence: "I was an enthusiastic adherent of Hitler and I considered everything that he wrote and stated to be a manifestation of truth."* Do you confirm this statement?

VON SCHIRACH: I did not say that, and that is not a record which was submitted to me. I never spoke of Hitler as a deity, never. I remember exactly, General, that you interrogated me on this point, and I was asked whether I had been an enthusiastic follower. I confirmed that, and I spoke about the time when I joined the Movement; but I never set up the comparison with which I am now confronted in the translation; I never said that I believed in Hitler as a deity, never.

GEN. ALEXANDROV: You do not understand me correctly. Nothing is said here about deity. Your evidence has been taken down, and I will repeat it: "I was an enthusiastic adherent of Hitler, and I considered everything that he wrote and stated to be a manifestation of truth."*

Do you confirm this statement? Answer the question directly.

VON SCHIRACH: The translation is quite inexact. May I ask you to put the exact question again?

GEN. ALEXANDROV: I will quote your statement again: "I was an enthusiastic adherent of Hitler, and I considered everything that he wrote and stated to be a manifestation of truth."* Is that right?

VON SCHIRACH: I am accused now of having said: "I was an enthusiastic adherent of Hitler, and I considered everything that he wrote and stated to be the personification of truth." That is how I understood it, and I must say I could never have uttered such nonsense.

DR. SERVATIUS: May I give an explanation of this translation? I think the correct German would have to be: "I considered what Hitler said to be a manifestation of truth," and not "the

* The interpreter mistranslated this "and looked upon him as a deity."

personification of truth"; then it would be intelligible. There is a mistake in the interpretation.

GEN. ALEXANDROV: Your defense counsel has perhaps helped you to answer my question.

VON SCHIRACH: General, that was not my defense counsel, but the defense counsel for the Defendant Sauckel. If it is translated "manifestation of truth," then of course the whole passage makes sense, and also corresponds roughly to what I said to you when I described the period of my youth.

GEN. ALEXANDROV: Very well.

In your book entitled the *Hitler Jugend* it said, and I quote Page 17: "Hitler's book, *Mein Kampf,* is our bible." Do you confirm this? Did you write that?

VON SCHIRACH: But I added something to that in my book *The Hitler Youth, Its Faith and Organization.* I want to say, first of all, that I did write this book. I wrote it...

GEN. ALEXANDROV: I would like to interrupt you. I do not need such detailed explanations, and I would like you to answer the question: Is that sentence contained in your book?

VON SCHIRACH: I have just confirmed that, but I would like to add an explanation. In this book—which I wrote in 1933, and which was published in 1934—I said: "We could not yet offer detailed reasons for our belief, we simply believed. But when Hitler's *Mein Kampf* appeared, it was like a bible, which we almost learned by heart so as to answer the questions of doubtful and deliberating critics."

That is how I worded it at the time; that is correct.

GEN. ALEXANDROV: I would like to put another more precise question to you. Do you admit that the Hitler Jugend was a political organization which, under the leadership of the NSDAP, carried out the policy of this Party among German youth?

VON SCHIRACH: The Hitler Youth was a large educational community on a political basis, but I cannot admit that it was led by the Party; it was led by me. I was a member of the Executive Committee of the Party, and in that sense one might speak of a Party influence. But I can see no reason for having to confirm this, since I have already testified to it. It is correct that the Hitler Youth was the youth organization of the Party.

If that is the sense of your question, I will confirm it.

GEN. ALEXANDROV: Yes, I just had that in view.

I would like to remind you of the tasks which Hitler had assigned for the education of German youth. That is set out in Rauschning's

book, which has already been submitted as documentary evidence before the Tribunal as USSR-378. I quote Page 252 of that book:

"In my schools we will bring up youth who will make the world shudder with fear, youth that is hard, exigent, unafraid, and cruel. That is my wish. Youth must have all these qualities; they must be indifferent to sufferings; they must have neither weakness nor softness. I would like to see in their eyes the proud, self-sufficient glitter of a beast of prey."

You educated German youth in accordance with these demands of Hitler. Do you admit that?

VON SCHIRACH: I will not admit what Herr Rauschning wrote. Just by accident I was present at a conversation between Hitler and Rauschning and, judging by it, I must say that the statements in Rauschning's book represent an unfaithful record of what Hitler said. Just by accident I witnessed a conversation between them.

Hitler did not give me the directives which Rauschning sets forth here as the guiding principles laid down by Hitler himself for the training of the Hitler Youth.

GEN. ALEXANDROV: I did not ask you to give such a detailed explanation. I would like you to answer the question I put to you briefly in order to shorten the time of interrogation. You have stated the Hitler Youth did not educate German youth in the militaristic spirit and did not prepare German youth for future aggressive wars. I would like to remind you of certain statements you made in that very same book of yours, "Hitler Youth," right here on Page 83 of that book. Talking of the younger generation, the so-called Jungvolk, you wrote:

"They carry the National Socialist characteristics. The toy merchants are worried because these children no longer need toys; they are interested in camp tents, spears, compasses and maps. It is a particular trait of our youth. Everything that is against our unity must be thrown to the flames."

And these also were the directives which German soldiers, trained in the Hitler Youth, followed when they set on fire houses of the peaceful population in occupied territories, isn't that true? Is that contained in the book, the passage I have just read?

VON SCHIRACH: What is in front of me now, is contained in my book. What I heard from the interpreter is not in my book.

GEN. ALEXANDROV: Well, then make your corrections.

VON SCHIRACH: May I read the correct passage?

"The toy merchants have complained to me that the boys" —they mean the Jungvolk—"no longer want toys, but are interested only in tents, spears, compasses, and maps. I cannot help the toy merchants, for I agree with the boys that

the times of the Indians are finally gone. What is 'Old Shatterhand,' what is a trapper in the backwoods of America compared to our troop leader? A miserable, dusty remnant from the lumber chest of our fathers. Not only the toy merchants are complaining but also the school-cap manufacturers. Who wears a school cap nowadays? And who nowadays is a high-school boy or girl? In some towns the boys have banded together and publicly burned such school caps. Burning is, in fact, a specialty of new youth. The border fences of the minor states of the Reich have also been reduced to ashes in the fires of your youth.

"It is a simple but heroic philosophy; everything that is against our unity must be thrown to the flames."

That, General, is the expression of the "storm and stress" of youth which has found its special unity.

GEN. ALEXANDROV: According to your opinion, the philosophy implies that children must no longer play with toys, but must do other things. Did I understand you correctly? I do not see any essential difference between my quotation and yours.

VON SCHIRACH: May I say that I think the military training of the youth of Germany falls much behind that of the Soviet Union.

GEN. ALEXANDROV: This is an irrelevant comparison. On Page 98 of your book, speaking of the Hitler Youth, you wrote:

"They strive to be political soldiers. Their model is Adolf Hitler."

Did you write that?

VON SCHIRACH: I have not found the place; is it Page 98?

THE PRESIDENT: The witness has admitted he wrote the whole book, hasn't he?

GEN. ALEXANDROV: In order not to lengthen the proceedings we will pass to the next question.

You have already spoken here of a specially created organization of motorized Hitler Youth; you assert this organization had sport as its aim; is that right?

VON SCHIRACH: In connection with the training of the motorized Hitler Youth I spoke also of ground and driving exercises, and I admitted that the motorized Hitler Youth had premilitary significance. I did not dispute this point at all.

THE PRESIDENT: Mr. Dodd cross-examined the witness at very considerable length on these matters about the special units of the Hitler Youth, and it really is not any good to go over it all again.

GEN. ALEXANDROV: Mr. President, several points which are still unexplained will be clarified through the following questions.

Did you have knowledge of the fact that at the end of 1938 the organization of motorized Hitler Youth consisted of 92 detachments, that is of 100,000 young men?

VON SCHIRACH: I cannot tell you from memory whether there were 92 detachments, because the word "Abteilung"—that was the translation—was not a designation for any unit of the Hitler Youth. I gave the exact strength of the motorized Hitler Youth for 1938 in one of my statements here either to my defense counsel or to Mr. Dodd. I gave exact figures of its strength in 1938.

GEN. ALEXANDROV: No, I am speaking of 1938, and you give the number of 100,000 Hitler Youths who formed the motorized youth organization. Do you have knowledge of this?

VON SCHIRACH: I cannot tell you from memory whether there were 100,000 members of the motorized Hitler Youth in 1938. There might have been 60,000 or 120,000. I cannot say; I do not know. I have not the documents to prove it.

GEN. ALEXANDROV: Yes, but I am quoting this number from data given by the magazine *Das Archiv*. I would like to recall to you the tasks of these organizations as they were set out in this magazine in November-December 1939. I quote:

> "The preliminary training of the motorized Hitler Youth must be carried out in special training groups, and later in special motorization schools of the National Socialist Motor Corps."

I quote this excerpt according to the document book of the Defense, Document 20, Page 50 of the Russian text. I repeat:

> "The preliminary training of the motorized Hitler Youth must be carried out in special training groups, and later in special motorization schools of the National Socialist Motor Corps, but this applies only to youths who have reached the age of 17 or more. The course of instruction includes motor mechanics, a driving license test, field driving exercises, and also ideological schooling. Those who successfully participate in this course of instruction will be admitted into the National Socialist Motor Corps."

This does not quite agree with your statement that the aim was sport, does it?

THE PRESIDENT: We heard a long commentary about these special units, and we really do not want to hear it any more. If you have any questions on new matters which have not been dealt with by Mr. Dodd, we shall be glad to hear them, but we do not want to hear about whether there are 60,000 or 70,000 or 100,000 or 120,000 Hitler Youths in the motorized units.

GEN. ALEXANDROV: I am only quoting what has not been mentioned yet.

THE PRESIDENT: General, we do not want to hear it. We do not want to hear it.

GEN. ALEXANDROV: I will pass on to the next question.

You issued a directive for a nation-wide training scheme of the members of the Hitler Youth, known as "Hitler Youth on Duty." This directive foresaw the following kind of education for the Hitler Youth: the theory of weapons, the theory of firing, target shooting, rifle practice, military drill, topography, and field exercises; also instruction in the use of the field compass and the goniometer. Are you acquainted with this directive? Do you consider that this also did not constitute military training of German youth?

VON SCHIRACH: I spoke in great detail about the training of "Hitler Youth on Duty" in my testimony last Thursday, and I particularly discussed rifle training which takes up 40 pages of this book. I mentioned in that connection that this rifle training was carried out according to the rules of international rifle sport and that the British Board of Education recommended this rifle training, and also the entire book, to all Boy Scouts. I do not dispute that I published this book *Hitler Youth* and that it served as a guiding directive for this training. But I already said that here the other day.

GEN. ALEXANDROV: You have denied that the Hitler Youth played an important part in the Fifth Column in Poland. Similar methods were carried out especially in Yugoslavia. The Yugoslav Government has put at the disposal of the Soviet Prosecution documents which estimated the part of the "Hitler Youth on Duty," under the leadership of the Hitler Jugend, in the organization of the Fifth Column on Yugoslav territory. Do you have any knowledge of this? Do you know anything about this?

VON SCHIRACH: The Hitler Youth was never active in the Fifth Column either in Yugoslavia or anywhere else.

GEN. ALEXANDROV: I will then quote excerpts from the official report of the Yugoslav Government. This has already been submitted to the Tribunal as Exhibit USSR-36. I quote from Page 3 of the Russian text of this document:

> "The Reich Government and the Hitler Party have secretly organized the German minority. From 1930 they had their own organization, the 'Union of Culture.' Already in 1932 Dr. Jacob Awender held the view that the 'Union of Culture' should be Fascist in its outlook. In 1935 he was put at the head of an active youth organization which shortly afterwards received the name of 'Organization of Revival.' "

Do you know anything about this?

VON SCHIRACH: I cannot comment on the information which you have just mentioned. I heard that Bohle had some youth leaders there as his representatives, but I do not know any details. On the subject of Yugoslavia I can tell you from my previous activity that my relations with Yugoslav youth were very amiable and friendly in the period before the war.

GEN. ALEXANDROV: I am not interested in that. I will try to help your memory by quoting a few excerpts from a supplementary report of the Yugoslav Government, which is submitted to the Tribunal as Yugoslav Exhibit, Document Number USSR-357. On Page 5, in the third line of the Russian text of this document, it says:

> "In 1937 there began among the Volksdeutsche in our country an orientation towards National Socialism, and the first groups of youth started going to Germany for special courses of instruction."

Further down on Page 8, we read that later on, but before the war with the Soviet Union, the greater part of these members became officers of the German Army. In addition, a special SS division, "Prinz Eugen," was formed from among members of the youth organizations. Do you deny these facts?

VON SCHIRACH: I can admit some; others I must deny. May I explain this? Since 1933 I tried to bring about good relations with Yugoslav youth. Starting in 1936 or 1937 I extended invitations to Yugoslav youth groups, as well as to youth groups of all European countries, to visit and inspect German youth institutions. Yugoslav youth groups actually came to Germany in reply to my invitation. But I know nothing about the enlisting of Yugoslav youths in the German Army; I do not believe that. I can only say that at the time of the regency of Prince Regent Paul there was very close collaboration with Yugoslav youth. During the war we maintained good relations with both Serbian and Croatian youth. German youth visited Serbia and Croatia, while Serbian and Croatian youth came to German youth camps, German youth leader training schools, and so on, and looked at our institutions. That, I think, is everything I can say about this. But we had friendly relations not only with Yugoslavia but also with many other countries.

GEN. ALEXANDROV: You did not understand me correctly. I was not speaking of Yugoslav or Croatian youth. I am speaking of the youth of the German minority in Yugoslavia who are mentioned in this report and who, with the help of the Hitler Youth, created centers of Fifth Column activity to engage in subversive operations and recruit for the SS units and the Wehrmacht. That is what I am speaking about. Are these facts known to you?

VON SCHIRACH: I know that there were young people among the German minority in Yugoslavia, just as in Romania and Hungary. I know that this German youth felt that it belonged to the Hitler Youth, and I think it is perfectly natural that these young people welcomed the German troops on their arrival. I cannot give information on the extent to which collaboration existed between the troops and the youth, but that it did exist is also quite natural. Of course, it could not be considered military collaboration, but rather the kind of co-operation which will always exist between an occupying force and the youth of the same country or nationality as the members of that force. But that has nothing to do with espionage or the like.

GEN. ALEXANDROV: But the major part of the SS Division "Prinz Eugen" which was formed on Yugoslav territory was made up of Hitler Youth members from the German national minority in Yugoslavia; and this was the result of the preparatory work of the Hitler Youth. Do you admit that?

VON SCHIRACH: I do not know how the divisions of the Waffen-SS, of which there were very many, were recruited. It is possible that some members of the German minority were recruited then and there, but I have no definite information on this.

GEN. ALEXANDROV: I will quote a few excerpts from two German documents. They have not yet been submitted to the Tribunal. The first excerpt is from a book by Dr. Sepp Janko who was the youth leader in Yugoslavia, entitled *Speeches and Articles*. He wrote:

> "All our national work before 1 September 1939 depended on the help of the Reich. When on 1 September 1939 the war began and it at first appeared impossible to receive further aid, there was a danger that all our work would be interrupted. . . ."
>
> And later:
>
> "The fact that in this cause, so decisive for a nation and its worth, I put at the disposal of the Führer almost the entire German national group in the former State of Yugoslavia and gave him so many volunteers as soldiers, is to me a subject of great pride. . . ."

I submit this to the Tribunal as evidence; Exhibit USSR-459.

The next excerpt is from an article, "We in the Batchka," written in 1943 by Otto Kohler who was leader of German youth in that territory. I submit this document to the Tribunal as Exhibit USSR-456. Otto Kohler wrote in that article:

> "Ninety percent of our youth are members of the Hitler Youth, the youth organization for Germans abroad."

The statements ought to convince you that the subversive activity and organization of the Fifth Column, the "nazification" of the German minority and its enlistment in military units were actually carried out on Yugoslav territory through the Hitler Youth. Please answer "yes" or "no."

VON SCHIRACH: No. But I should like to comment on these documents. This Dr. Sepp Janko who is said to have been the leader of the Volksdeutsche in Yugoslavia is not known to me either by name or personally. I have visited Yugoslavia several times in the past, but neither in 1937, when I believe I was there for the first time, nor later in 1938 when I visited Prince Regent Paul, did I concern myself with the Volksdeutsche youth there or with their leaders. On those visits I spoke only with youth of Yugoslav nationality. That is all I have to say about the first document, which on the whole does not refer to youth at all.

The second document, which is signed by one Otto Kohler, who calls himself the "D. J. leader"—probably German youth leader—in Subdivision 7, to that document I can only say that it was taken from a book about German youth in Hungary which appeared in 1943. In the Batchka we had a very large settlement of Germans, people who had been living there for 150 or 200 years, and this youth leader organized the German youth there with the approval of the Hungarian Government and the Hungarian Minister of Education and in collaboration with other Hungarian authorities. It was an entirely legal measure, and no controversy existed about it between the two countries. These young people were not members of the German Hitler Youth, but they belonged to Hungarian youth groups of the German minority in Hungary.

GEN. ALEXANDROV: And did the Reich Leadership of Hitler Youth have no connection at all with such organizations abroad?

VON SCHIRACH: Of course we visited these youths. When, for instance, I was a guest in Budapest, the Hungarians themselves asked me whether I would like to visit the villages and the youth of the German minority. Neither the Regent nor any other government authority had any objections to this. There was no reason why I should ask German youth leaders to engage in espionage in Hungary. I could just as easily have asked Hungarian youth leaders with whom I was on very good terms.

GEN. ALEXANDROV: Who was the leader of the Hitler Youth organizations abroad? There was a special foreign section in the Reich Leadership of the Hitler Youth. Its task was the direction of the German youth organizations abroad, was it not?

VON SCHIRACH: That is not correct. The foreign office of the Reich Youth Leadership was, if I may say so, the "foreign office"

of the younger generation. It was the task of the foreign office to maintain contact with other national youth organizations, to invite youth leaders from abroad, to organize tours of foreign youth organizations through Germany, and to arrange visits of German youth to other countries, in co-operation with the foreign offices of those countries; in a case like this, the foreign office of the Reich Youth Leadership would approach the Foreign Office, and the Foreign Office would approach the ambassador or representative of the country involved. The Organization of Youth Abroad to which you are referring was an organization subordinate to the Organization of Germans Abroad, the head of which was Gauleiter Bohle, who has already been heard in this court. This youth abroad consisted of German nationals who formed units of the Hitler Youth in the countries where they were living. For instance in Budapest the children of the German colony, starting with the children of the German Minister . . .

THE PRESIDENT: Surely, Defendant, it is not necessary to make such a long speech about it.

GEN. ALEXANDROV: You are giving too many details. The next question:

In the Ministry for the Eastern Occupied Territories, a special youth department was created in the first main office. What do you know about the work of this department and what was its relationship to the Reich Leadership of the Hitler Youth? Please answer briefly.

VON SCHIRACH: From my knowledge, I can say that when the Reich Ministry for the Occupied Eastern Territories was created, Reichsleiter Rosenberg expressed a wish that the Reich Youth Leader should put at his disposal an official for the youth department in the new Ministry. This official was appointed; he was taken into the Ministry and directed its youth department. He was, of course, responsible to the Eastern Minister. I cannot say more about this point. Reports from this department did not reach me.

GEN. ALEXANDROV: You mean that the Reich Leadership of the Hitler Youth appointed a representative to a post in the Ministry for Eastern Occupied Territories, and that this gentleman did not send in any report to the Reich Youth Leadership; is that right?

VON SCHIRACH: General, I meant that the head of this department or whatever he was, this official in the Eastern Ministry who came from the Hitler Youth, did not report to me. He naturally reported to his immediate superiors in the Reich Youth Leadership. The Reich Youth Leadership was located in Berlin, and I assume that the officials of its staff were in constant touch with him.

GEN. ALEXANDROV: As I understand it, the measures that were carried out by the youth department in the Reich Ministry for Eastern Occupied Territories were carried out with the knowledge of the Reich Youth Leadership; is that right?

VON SCHIRACH: The measures taken there were carried out according to directions laid down by the Reich Minister, who was the immediate superior of his officials. If actual youth measures, the treatment of youth, and so on, were dealt with, I am sure that this official or youth leader discussed the matter with the Reich Youth Leadership and made a report to it. The Minister is always responsible for the youth official in his Ministry, and not the organization from which the youth official happens to come.

GEN. ALEXANDROV: I understand. To the question put to you by your defense counsel regarding the participation of the Hitler Youth in the atrocities committed in Lvov, you answered that the testimony of the French citizen, Ida Vasseau, supplied by the Extraordinary State Commission, is not true.

Mr. President, the Soviet Prosecution has had occasion to interrogate the witness Ida Vasseau. The defense counsel for the Defendant Schirach also requested an interrogation. I now submit to the Tribunal excerpts from the testimony of the witness Vasseau, dated 16 May 1946, and I would like to submit it as Exhibit USSR-455. I shall now read the excerpts into the record:

> "The atrocities against the Jewish and the Soviet population of Lvov were perpetrated not only by adult Germans and old Nazis, but also by the German youth of the Fascist youth organization in Lvov. These youngsters, dressed in uniforms, armed with heavy sticks, hunting knives, and often with pistols, ran about the streets, broke into Jewish apartments and destroyed everything in them. They killed all the inhabitants of these apartments, including the children. Very often they stopped children who looked suspicious to them in the streets, shouted: "Stop, you damned Jew!" and shot them on the spot. This Hitlerite youth was often active in locating Jewish apartments, hunting Jews in hiding, setting traps, and assaulting innocent people on the streets, killing them if they were Jews and dragging others away to the Gestapo. Often their victims were Russians, Poles, Ukrainians, and people of other nationalities. This terror of adult and young Germans continued until the last day of the German occupation of Lvov. The intention of completely annihilating the Jews was especially apparent in the "Ghetto actions" in which Jewish children of various ages were systematically killed. They were put into houses specially set up for Jewish children and when

sufficient children had been assembled, the Gestapo accompanied by the Hitler Youth broke in and killed them."

I end the reading of the statement of Ida Vasseau.

Thus, the Hitler Youth in the service of the German army, SS and the Gestapo took part in these atrocities. Do you admit that?

VON SCHIRACH: I do not believe a word of what is contained in this document.

GEN. ALEXANDROV: Well, that is your affair.

Mr. President, I am submitting to the Tribunal another document, USSR-454, excerpts from the testimony of the German prisoner of war Gert Bruno Knittel.

Gert Bruno Knittel, a hatter by trade, was born in 1924 in Saxony. After 1938 he was a member of the Hitler Youth. His sister Ursula was also a member of the National Socialist League of German Girls (BDM). In 1942, when he was 18 years old, he was called up for the German Army. Thus, he is a typical representative of the Hitler Youth, and his testimony is therefore of interest. This is what he relates about his service in the German Army. I quote:

"Not less than twice a week we were called upon to comb out the forests."

DR. SAUTER: Mr. President, I must object against the use of this document of which we have just received a copy. It does not appear from this copy whether the document was actually signed, whether it was sworn or who drew up this document, which seems to be a report. I must object to this document until these questions have been clarified.

Perhaps in this connection, Mr. President, I might comment on the other document which contains the testimony of Ida Vasseau—the writing is difficult to read. I assume that this witness is identical with the French national Ida Vasseau to whom a questionnaire was sent a long time ago with the permission of the Tribunal. We have been constantly waiting for the answers to this questionnaire, and now today we receive this report dated 16 May 1946, which apparently refers to the same witness. It is obvious that...

THE PRESIDENT: I am not following quite what you are saying. Are you saying that you have issued a questionnaire to the person who is alleged to have made this document?

DR. SAUTER: The High Tribunal approved a questionnaire to a French woman, Ida Vasseau; I will spell the name, V-a-s-s-e-a-u. This is the French woman, Ida Vasseau, who was working in an establishment in Lvov, and who is mentioned in the Lvov Commission report. Perhaps you remember, Mr. President, that one of these reports says that children were taken from the ghetto and given to

the Hitler Youth and that the Hitler Youth used these children as live targets. That is the statement of the witness Ida Vasseau, and I am sure that she is the same person who is now mentioned in the report of 16 May 1946. The remarkable thing is that in the report of 16 May 1946, she does not answer the questions which are set down in the questionnaire, but makes further allegations which are obviously not contained in the earlier Lvov Commission report. This is a very mysterious matter, and I believe it would not be just to the Defendant Von Schirach if I did not call your attention to these contradictions.

GEN. ALEXANDROV: May I give my explanation?

THE PRESIDENT: We would like to hear you in detail, General, in answer to what Dr. Sauter has said.

GEN. ALEXANDROV: Ida Vasseau, excerpts from whose statement I have read, is certainly the person of whom Dr. Sauter is speaking. I do not know to whom and through what channels the interrogatory was sent; it was not sent through our office. Ida Vasseau was interrogated on our own initiative and we could do so only on 16 May. A special interrogatory was not received by us, and we could not have sent it because the evidence was given only...

THE PRESIDENT: I have only got this document here in German and it doesn't appear to be a document signed or made by a person called "Vasseau" at all. I don't know whether it is dealing with something that Ida Vasseau is alleged to have said.

GEN. ALEXANDROV: This document is signed.

THE PRESIDENT: I said it wasn't signed by Vasseau.

GEN. ALEXANDROV: This document is signed by Ida Vasseau-Thom and also by the interrogating officials, namely the Chief of the Investigation Branch, Public Prosecutor's Department for the Lvov Region, Kryzanovsky, and the public prosecutor for the Lvov Region, Kornetov. The interrogation took place on 16 May 1946.

THE PRESIDENT: Look at this document and see if it is the right document.

GEN. ALEXANDROV: Yes, these are excerpts from the interrogation of Ida Vasseau.

THE PRESIDENT: Is that the same document?

GEN. ALEXANDROV: Yes, yes, that is the same document which we are now submitting to the Tribunal.

THE PRESIDENT: Is that the original you have got before you?

GEN. ALEXANDROV: No, this is an excerpt from the record, certified by the Chief of Documentation of the Soviet Delegation,

Colonel Karev. This is not the original record of the interrogatory. These are excerpts from it.

THE PRESIDENT: Are you saying that it is a document which is admissible under Article 21 or what are you saying about it?

GEN. ALEXANDROV: We are submitting it. If the Tribunal considers that it is necessary to bring out the original of the record, which at the present moment is at Lvov, we will be able to do so in a short time. If the Tribunal is not satisfied with these excerpts, we will very easily be able to submit the record in full.

THE PRESIDENT: Will you tell us what the document is? Is it an affidavit? Is it sworn to? Is it made before an official of the Soviet Union?

GEN. ALEXANDROV: There is a note on the record referring to the responsibility for false testimony, as set forth under Article 89 of the Penal Code of the Ukrainian S.S.R. This warning is in accordance with the requirements for legal procedure in the Soviet Union, and this warning was given to Ida Vasseau, as a special certification on the record shows.

THE PRESIDENT: Are you saying that it is a document which falls within Article 21 of the Charter?

GEN. ALEXANDROV: Yes, but if the Tribunal consider it necessary, we will later be able to submit the complete original record. I am now asking the Tribunal to accept the excerpts from this record which have been certified by the Chief of our Documentation Division.

THE PRESIDENT: Dr. Sauter, what is the date on which your interrogatory was allowed by the Tribunal and what was the date on which it was sent out to this person?

DR. SAUTER: Mr. President, the interrogatory bears the date of 11 April.

GEN. ALEXANDROV: The interrogatory could not be sent because we did not know where the witness Vasseau was. We only discovered it recently.

THE PRESIDENT: You mean that the interrogatory has not been administered to the person who made this statement?

GEN. ALEXANDROV: This interrogatory could not have reached its destination because, I repeat, until quite recently the whereabouts of the witness Vasseau was unknown.

THE PRESIDENT: When you did find out where the witness was, the interrogatory could have been administered.

GEN. ALEXANDROV: Yes, yes, it can be sent to her. It can be done now if it is necessary.

DR. SAUTER: Mr. President, may I point out the following: This woman, Ida Vasseau, was in Lvov when this statement which is mentioned in the Commission Report was made; that is clear from the report. I believe it is USSR-6, but I am not quite certain. Now, on 16 May of this year, this woman, Ida Vasseau, was also at Lvov; and her whereabouts were not unknown, since she was interrogated on that day. I had discussed the interrogatory which was sent to Vasseau with the Prosecution; it was at first said that the questions were suggestive or that something was not in order. But we came to terms and I altered the questions which I submitted to the High Tribunal according to the wishes of the Prosecution; so if the Soviet Delegation were willing, Ida Vasseau could be interrogated at any time. It is remarkable that in this later statement, this woman testified on something entirely different from what is set forth in her previous statement, and something entirely different from what she was asked in the interrogatory. I think it would be useful if Ida Vasseau were examined here.

THE PRESIDENT: Wait a minute, what previous statement do you mean? What previous statements do you mean?

DR. SAUTER: The statement in the commission report of the City of Lvov. This commission report was read here once and it says that the Hitler Youth committed these outrages against the children; my questionnaire, which the Tribunal approved, deals with this point.

THE PRESIDENT: General, was the interrogatory submitted by Dr. Sauter shown to the witness Vasseau?

GEN. ALEXANDROV: No, it was not sent to her. May I, to clarify the matter, come back to the history of this interrogatory? The Soviet Prosecution submitted a document, the Report of the Extraordinary State Commission on German Atrocities in the Lvov Region, and this document contained a statement by the witness Ida Vasseau; no one interrogated her at that time. In this statement she said that she witnessed how the Hitler Youth used small children as targets. That was her statement in the Report of the Extraordinary State Commission. This document was accepted by the Tribunal. Then, on our own initiative—Dr. Sauter's interrogatory did not come to us and we did not send it out—the whereabouts of Ida Vasseau was established. She was examined by interrogating officers and supplemented the testimony which she had given before the Extraordinary State Commission. I am now submitting to the Tribunal excerpts from her interrogatory on 16 May in which she dwelt on certain details of the treatment of children by the Hitler Youth.

THE PRESIDENT: We all understand that, General, but the question is: Why, if interrogatories had been allowed by the

Tribunal and had been seen by the Prosecution and were dated sometime in April, why was the witness interrogated in May without having seen these interrogatories? This document is dated 16 May 1946, isn't it, Dr. Sauter?—Dr. Sauter tells us that interrogatories allowed by the Tribunal were dated in April.

GEN. ALEXANDROV: I do not know where Dr. Sauter sent his interrogatory. He did not send it through our office. I repeat that we did not send this interrogatory and could not have sent it on, for we did not know where Ida Vasseau lived. On our initiative steps were taken to establish her whereabouts, and when we found her she was interrogated, namely on 16 May.

THE PRESIDENT: The Tribunal will adjourn now.

[The Tribunal recessed until 1415 hours.]

Afternoon Session

THE PRESIDENT: General, the Tribunal will not admit this document at the present time, but it would wish that you should present the original document and at the same time the answers to the interrogatories which the Tribunal has ordered; and the Tribunal will call upon the Secretary General for a report upon the whole matter.

GEN. ALEXANDROV: Mr. President, during the recess I had a chance to talk this over with Dr. Sauter. He will give me the interrogatory and measures will be taken to get the necessary replies from the witness in the shortest possible time. Besides this the request of the Tribunal to get the original of the document will be complied with as soon as possible.

May I continue now with my interrogation?

THE PRESIDENT: Yes, please.

GEN. ALEXANDROV: I stopped at the testimony of Gert Bruno Knittel. Here is what he relates about his service in the German Army:

"Not less than twice a week we were sent to comb the forests, to round up guerrillas and to look for discontent against the German regime, so that these people could be arrested and shot immediately. Our 3d Company, Field Depot Battalion 375, caught and shot five persons in the woods. Most possibly these persons were not even partisans or guerrillas, but merely citizens who went into the woods for personal matters. But we had orders to shoot all who crossed our path in the woods. I did this together with the other soldiers of my company.

"One day in June 1943, in a roundup in the village of Lishaysk, we surrounded the whole place with three to four companies so that no one could leave or enter the village. Outside each house that had to be searched . . ."

THE PRESIDENT: You are cross-examining the Defendant Von Schirach who was in Vienna. What has this document got to do with him?

GEN. ALEXANDROV: This is the testimony of one of the members of the Hitler Jugend regarding his participation in atrocities during his service in the German Army in the occupied territory. This document is translated into German. I need not read it. However, I would like the witness Von Schirach to familiarize himself with this document. Did you read this document? I am asking you this now, Witness, have you read that document?

VON SCHIRACH: Yes, I have read the document. This man Knittel who is testifying here was not a member of the Hitler Youth, but belonged either to the Labor Service or to a unit of the Army. Earlier in his life, just like all the other young Germans, he had been a member of the Hitler Youth. He states that; but in this case he was acting as a member of some unit of the Armed Forces, not as a member of the Hitler Youth. The entire testimony seems to be of little credibility. For example, he mentions a Hitler Youth Party . . .

GEN. ALEXANDROV: Have you read all the testimony that is given there?

VON SCHIRACH: Yes.

GEN. ALEXANDROV: Have you read all this testimony?

VON SCHIRACH: Yes.

GEN. ALEXANDROV: In connection with this, do you admit that participation of German youth in similar atrocities was the effect of the special education and preparation of the Hitler Youth?

VON SCHIRACH: No, I do not admit that.

GEN. ALEXANDROV: I have two more questions, and that will be all. Up to what time did you hold the post of Reichsstatthalter of Vienna and Reichsleiter of Youth Education?

VON SCHIRACH: I was head of Youth Education from 1931 and Reich Governor of the city of Vienna since 1940.

GEN. ALEXANDROV: I am interested in knowing to what date, to what moment?

VON SCHIRACH: I held both of these offices until the collapse.

GEN. ALEXANDROV: You were telling here in detail about your break with Hitler in 1943. You stated that from that time on you were politically dead. However, you continued to hold your posts to the very end. Therefore your break with Hitler was only theoretical, and in effect entailed no consequences for you. Is that correct?

VON SCHIRACH: That is wrong. I described the consequences which it had for me in my statement either on Thursday or Friday, and I also mentioned at that time that up to the very last moment I kept my oath which I had given to Hitler as Youth Leader, as an official, and as an officer.

GEN. ALEXANDROV: I have no more questions, Mr. President.

DR. SAUTER: Mr. President, in order to expedite the proceedings, I should like to put two brief questions to Defendant Von Schirach.

The first question, Witness: In the course of the cross-examination you were asked whether you gave the order to hold Vienna until the very last moment and to defend the city to the last man. As far as I remember, you answered that question in the negative. Now, I am interested in knowing in this connection what orders you gave to your subordinates during the last days in Vienna—I mean to the Deputy Gauleiter Scharizer and the then Mayor Blaschke?

VON SCHIRACH: The order for the defense of Vienna originated with Hitler. The defense of Vienna was a matter for the military authorities, that is, the commandant of the city of Vienna, the military commander who was in charge of the 6th SS Panzer Division....

DR. SAUTER: What was his name?

VON SCHIRACH: Sepp Dietrich, and the officer commanding the Army Group South, Generaloberst Rendulic.

DR. SAUTER: Did they give the orders?

VON SCHIRACH: In carrying out the order which Hitler had given them regarding the defense of Vienna, they defended Vienna.

DR. SAUTER: What orders did you, Witness, give your subordinates in this connection?

VON SCHIRACH: For the defense of Vienna I gave only such orders as related to the Volkssturm, or those dealing with the food supply of the city and similar matters with which I was charged. I personally had nothing to do with the actual defense of the city. For even the work of destruction which was necessary in the course of the military defense of the city is to be traced back to orders which originated from the Führer's headquarters and had been transmitted to the officer commanding the Army group, and to the city commandant.

DR. SAUTER: My second question, Witness: In your cross-examination you were questioned about Document 3763-PS. This is a document which deals with the songs of youth, into which the Prosecution seems to read a different attitude from the one you set forth. Do you wish to supplement your testimony on this point?

VON SCHIRACH: Yes, I must supplement it briefly.

DR. SAUTER: Please do.

VON SCHIRACH: The Prosecution accuses me concerning a certain song, a song which begins, "We are the black swarms of Geyer, hey, ho"; the chorus of which goes, "Spear them, spike them, put the red cock on the cloister roof," and one verse runs, "We will cry to Him on high that we want to kill the priest."

This is a Christian song.

DR. SAUTER: How is that?

VON SCHIRACH: This can be seen in the fourth and fifth verses. It is the song of the Protestant peasants under the leadership of Florian Geyer.

The fourth verse goes: "No castle, abbey, and monastery matters. Nothing but the Holy Scripture is of value to us." The next verse goes: "We want the same law from prince down to peasant."

Protestantism, too, was once a revolution. The rebel peasants sang this song; and it may serve as an example, this song of the 16th century, like some of the songs of the French revolution. This song may be used as an example to show how, in the beginning, revolutions are radical rather than tolerant.

DR. SAUTER: Mr. President, with this point I should like to conclude my direct examination of the Defendant Von Schirach. Thank you very much. I have no further questions.

THE PRESIDENT: Who were your principal assistants in your office at Vienna?

VON SCHIRACH: First of all, the chief of my Central Office, Hoepken; secondly, the Regierungspräsident Dr. Dellbrügge; thirdly, the Mayor, Blaschke; and fourthly, the Deputy Gauleiter, Scharizer. They were my chief collaborators.

THE PRESIDENT: That makes four, does it?

VON SCHIRACH: Yes.

THE PRESIDENT: And did they occupy the whole of their time working for you in your office?

VON SCHIRACH: Not all of them. The Deputy Gauleiter had already been functioning under my predecessor, Bürckel. Mayor Blaschke, as far as I recall, first became mayor in 1943. His predecessor as mayor was a Herr Jung. The District President, Dr. Dellbrügge, assumed his office in 1940, after my arrival in Vienna. He was sent to me from the Reich.

THE PRESIDENT: Well then, from the time that you took over the office in Vienna these four men were working for you, is that right?

VON SCHIRACH: Yes. I should like to mention also that the head of the Central Office, Hoepken, was first of all active under me as adjutant and assumed his position as chief only when the former chief of this office, Obergebietsführer Müller, lost his life in an air raid.

THE PRESIDENT: Which of the four was it who initialed those weekly reports which were received in your office?

VON SCHIRACH: That was the District President, Dr. Dellbrügge.

THE PRESIDENT: Dellbrügge?

VON SCHIRACH: Yes.

THE PRESIDENT: And at the time that he received them he was working in your office as one of your principal assistants?

VON SCHIRACH: He was my deputy in the State Administration.

THE PRESIDENT: That was your office?

VON SCHIRACH: That was one of my offices.

THE PRESIDENT: Yes, one department in your office?

VON SCHIRACH: Yes. May I add, by way of explanation, that there were various branches: The State Administration, the Municipal Administration, the Party Management and the Reich Defense Commissariat. The Reich Defense Commissariat and the State Administration were combined as far as their representation was concerned. Everything was co-ordinated in the Central Office.

THE PRESIDENT: Well, in which department was this principal assistant who initialed these documents? Which department was he head of?

VON SCHIRACH: He held a key position in the office of the Reichsstatthalter as Chief of the State Administration.

THE PRESIDENT: Civil administration?

VON SCHIRACH: Yes, Civil State Administration.

THE PRESIDENT: Was he the Deputy Reich Defense Commissioner?

VON SCHIRACH: Yes.

THE PRESIDENT: And you were the Reich Defense Commissioner for the Military District Number XVII, were you not?

VON SCHIRACH: Yes.

THE PRESIDENT: And he was your deputy in that military district?

VON SCHIRACH: Yes.

THE PRESIDENT: He received and initialed those reports in that office, did he not?

VON SCHIRACH: Yes.

THE PRESIDENT: The defendant can return to the dock.

[The Defendant Von Schirach left the stand.]

DR. SAUTER: Mr. President, with your permission I should like to call to the witness box the witness Lauterbacher.

[The witness Lauterbacher took the stand.]

THE PRESIDENT: Will you state your full name?

HARTMANN LAUTERBACHER (Witness): Hartmann Lauterbacher.

THE PRESIDENT: Is that your full name?

LAUTERBACHER: Lauterbacher.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath.]

THE PRESIDENT: Will you sit down.

DR. SAUTER: Herr Lauterbacher, I have already discussed this matter with you in the prison; is that right?

LAUTERBACHER: Yes.

DR. SAUTER: Please pause after each question before you answer so that the interpreters may keep up.

LAUTERBACHER: Yes.

DR. SAUTER: When were you born?

LAUTERBACHER: On 24 May 1909.

DR. SAUTER: 1909?

LAUTERBACHER: Yes, 1909.

DR. SAUTER: Are you married?

LAUTERBACHER: Yes.

DR. SAUTER: You have three children?

LAUTERBACHER: Yes.

DR. SAUTER: What is your profession?

LAUTERBACHER: Druggist.

DR. SAUTER: Retail druggist?

LAUTERBACHER: Yes.

DR. SAUTER: You are in an American prison?

LAUTERBACHER: In an English prison.

DR. SAUTER: Since when?

LAUTERBACHER: Since 29 May 1945.

DR. SAUTER: Have you been interrogated by the Prosecution on this matter?

LAUTERBACHER: No.

DR. SAUTER: When did you become an official, that is to say, a paid employee of the Hitler Youth?

LAUTERBACHER: I became a paid employee of the Hitler Youth when appointed District Leader (Gebietsführer) of the Westphalia-Lower Rhine area.

DR. SAUTER: And when was that?

LAUTERBACHER: In April 1932.

DR. SAUTER: April 1932. That was at the age of 23?

LAUTERBACHER: Yes, at the age of 23.

DR. SAUTER: Before then had you been a member of the HJ?

LAUTERBACHER: Yes. I was...

DR. SAUTER: Slowly, please, and always wait until the question has been completed before you answer.

LAUTERBACHER: Yes.

DR. SAUTER: I was asking you if you were already a member of the Hitler Youth when you took up your paid appointment in the year 1932.

LAUTERBACHER: Yes. When I was 13 years old, in the year 1922, I joined what was then known as the National Socialist Youth Organization. Then, when I was 18 years old, in the year 1927, I accepted the duties of an Unterführer in my home province of the Tyrol...

DR. SAUTER: And officially you were...

LAUTERBACHER: ...then I worked in an honorary capacity in Brunswick from 1929 until 1932; and later on I had a paid appointment.

DR. SAUTER: That is to say from 1932?

LAUTERBACHER: Yes.

DR. SAUTER: What was your status in the year 1932? What position did you get then?

LAUTERBACHER: In the year 1932 I was entrusted with the leadership of the area then known as Westphalia-Lower Rhine.

DR. SAUTER: When were you assigned to the Defendant Von Schirach?

LAUTERBACHER: On 22 May 1934.

DR. SAUTER: What was your position under him?

LAUTERBACHER: Stabsführer.

DR. SAUTER: How long did you remain a Stabsführer?

LAUTERBACHER: Until August 1940.

DR. SAUTER: I suppose until the time he resigned his office as Reich Youth Leader?

LAUTERBACHER: Yes.

DR. SAUTER: When you took up your paid appointment with the HJ, had you already served with the Army?

LAUTERBACHER: No.

DR. SAUTER: Then you had not been an officer?

LAUTERBACHER: No.

DR. SAUTER: You told us, I believe, that since 1934 you had been Stabsführer of the Reich Youth Leadership. What tasks did the Stabsführer of the Reich Youth Leadership have? Please tell us briefly, so we may have an idea of what your jurisdiction was.

LAUTERBACHER: As the title of Stabsführer indicates, I was in the first place the chief of the staff of the Reich Youth Leadership. As such, I had the task of dealing with the general directives of the Reich Youth Leader, particularly those concerning the Hitler Youth offices and regions insofar as the Youth Leader did not do that himself. I had to co-ordinate the various departments of the Reich Youth Leadership and in particular to deal with matters of an organizational and personal nature.

Furthermore, in the years 1935 to 1939 I made a number of journeys abroad at Von Schirach's request.

DR. SAUTER: Who was the deputy of the Reich Youth Leader when he could not act personally?

LAUTERBACHER: I was his deputy on occasions when he was prevented from acting personally.

DR. SAUTER: Then apparently you were the first man in the Reich Youth Leadership after Schirach?

LAUTERBACHER: Yes.

DR. SAUTER: Were your relations with Von Schirach purely official, or were you friends as well?

LAUTERBACHER: Our association was not limited only to official matters; we were also personal friends, and so our personal relationship was not interrupted by Schirach's appointment in Vienna.

DR. SAUTER: Do you believe, Herr Lauterbacher—regarding this friendly relationship that you had with Von Schirach—that he concealed certain things from you; or are you of the conviction that so far as official matters were concerned he had no secrets from you?

LAUTERBACHER: I always have been, and still am today, convinced of the fact that Von Schirach made all his intentions and educational measures known to me.

DR. SAUTER: So he kept nothing from you?

LAUTERBACHER: No, he kept nothing from me. If Schirach had discussions with Adolf Hitler during the earlier years he always informed me immediately afterwards.

DR. SAUTER: Witness, in the year 1939 the second World War broke out. Did the Defendant Von Schirach, in the last few years prior to the outbreak of the World War, have any discussions with you in which he expressed the view that youth should be educated for war—in other words—that in educating youth the necessities and requirements of future war must be taken into account? What transpired on this point between you and Von Schirach before the war?

LAUTERBACHER: The possibility of war was never discussed. Occasionally I attended Party rallies in the company of Von Schirach; and on these occasions, when Adolf Hitler delivered a speech, I only—on the occasion of these rallies I had the definite and unalterable impression that Adolf Hitler and the National Socialist Reich were determined to maintain peace and to allow matters to follow a peaceful course. That is why it never occurred to me that youth should be trained specifically for war.

DR. SAUTER: Witness, in your capacity as Stabsführer of the Reich Youth Leadership, did you have any knowledge about the mail as a whole which either came to Schirach or was dispatched by him?

LAUTERBACHER: I always saw all the official mail.

DR. SAUTER: In the mail which reached Schirach in his office, did you see anything about directives for the Reich Youth Leadership received from Hitler, from the Party leadership, from the OKW, or from any other agency, either State or Party, regarding the preparations for war?

LAUTERBACHER: No, neither open nor camouflaged.

DR. SAUTER: Witness, we have already heard about the main functions of youth education in the course of the last few days. I do not believe, Mr. President, that I need go into these subjects in detail. The witness is the person best qualified to give us information, but I think I may take the subject of youth education as clarified.

THE PRESIDENT: I think so. I think the facts about it have been sufficiently stated.

DR. SAUTER: Thank you. Then I can pass on to another subject immediately.

[Turning to the witness.] You said that you had not been a soldier. Did not Schirach attach importance to the inclusion among his collaborators of a certain number of officers, or at least of men

who had served their term of military service and who might be enrolled as instructors? Please be brief.

LAUTERBACHER: No, at first, that is, during the early years of the period of development, Von Schirach rejected officers as youth leaders on ideological and educational grounds. The aim and mission of the Hitler Youth were those of a socialist community and of a socialist state; and the old type of officer of the period, the representative of a reactionary epoch, would have been absolutely incompatible.

DR. SAUTER: Absolutely incompatible? Do you mean with the . . .

LAUTERBACHER: With the principles of education which Schirach had laid down for the Hitler Youth.

DR. SAUTER: Witness, have you any idea whether Schirach always rejected the proposal, or to put it the other way round, do you know whether he agreed when any military authorities tried to influence the character of the Youth Leadership? Perhaps you could also answer this point briefly.

LAUTERBACHER: Even in 1933 attempts were made to introduce officers into the Hitler Youth as leaders. As far as my information goes, two officers had been given appointments in the Hitler Youth before my period of office as Stabsführer, under more or less direct orders from Hitler. They were entirely unable to cope with youth as such; and I think I am justified in saying that their appearance was a complete failure.

DR. SAUTER: What happened to them?

LAUTERBACHER: Schirach went to Adolf Hitler and succeeded in having these gentlemen dismissed; also through him, a directive was drawn up by Hitler which said that officers were not to hold positions in the Hitler Youth.

DR. SAUTER: Were no further attempts of the kind made to force officers from somewhere or other upon him?

LAUTERBACHER: Oh, yes. In 1936 and 1937, and then again in 1938, attempts were made to influence the education of the Hitler Youth through so-called liaison officers. But these attempts also failed; and up to the very end there were no officers working with the Hitler Youth who were responsible to any other authority except Schirach, apart from former Hitler Youth leaders who had served in the Army and received officers' commissions.

DR. SAUTER: If I understand you correctly, Witness, you wish to say—and please confirm whether I have understood you correctly—that Schirach rejected these attempts. Is that correct?

LAUTERBACHER: Yes.

DR. SAUTER: Witness, why did the Hitler Youth wear uniform—the girls as well?

LAUTERBACHER: Uniform is perhaps not quite the correct term for the clothing worn by the members of the Hitler Youth. It was more in the nature of a national costume which was worn by members of youth organizations before the existence of the Hitler Youth, not only in Germany but in other countries as well. Moreover, Schirach was anxious that all boys and girls should, as he expressed himself, wear the dress of the socialist community.

DR. SAUTER: Of the socialist community. Does that mean a community of all—of all the boys and girls of every class of German society without any distinction?

LAUTERBACHER: Without any distinction as to descent or creed or anything else.

DR. SAUTER: Or rich or poor?

LAUTERBACHER: Yes.

DR. SAUTER: Were the Hitler Youth in possession of weapons and were they trained in the use of military weapons? You must know that.

LAUTERBACHER: No, they were not trained in the use of military weapons during the period in which Schirach and I held office.

DR. SAUTER: Did the Hitler Youth have, in particular, tanks, armored cars, and so forth, since reference was made to the training of the young men in the so-called "motorized Hitler Youth" in connection with the question of the special unit (Sonderformation)—tanks, armored cars?

LAUTERBACHER: No, to my knowledge the Hitler Youth never received any training in armored cars, tanks, or anything of the kind, even after Schirach's term of office. At any rate . . .

THE PRESIDENT: Dr. Sauter, the facts stated by the defendant as to the weapons of the Hitler Youth and their formations were not cross-examined. You need not go into that. Mr. Dodd did not suggest that they had tanks.

DR. SAUTER: Thank you, Mr. President. Then I can perhaps be more brief.

I now come, Herr Lauterbacher, to the Defendant Von Schirach's attitude toward the Jewish question. Was the Hitler Youth involved in any way in the Jewish pogroms of November 1938?

LAUTERBACHER: I think I can answer your question with a definite "no."

DR. SAUTER: Herr Lauterbacher, you told me something about a speech made by the Defendant Von Schirach a few days after

9 November 1938, on the subject of these Jewish pogroms. Tell me when and to whom he delivered this speech and what the contents of the speech were.

LAUTERBACHER: Von Schirach was in Munich on 10 November 1938 and I was in Berlin. Schirach instructed me by telephone to tell the district leaders of the Hitler Youth that their organizations were in no circumstances to take part in these anti-Jewish demonstrations, and to call a meeting of all these leaders to hear a specific declaration on this point. This meeting took place about 15 November 1938.

DR. SAUTER: Where?

LAUTERBACHER: In Berlin. Schirach asked these district leaders to report to him and expressed his satisfaction at having in the meantime received reports to the effect that the Hitler Youth had not been involved in these excesses. He then described the said excesses in his speech. I still remember this speech extraordinarily well, for it was particularly impressive. He described these pogroms as a disgrace to our culture and as amounting to self-defamation. He said that such things might be expected of an uncivilized people but not of the German people. He went on to say that we had antagonized not only the world in general but also all decent people in Germany itself by these demonstrations. He was afraid that serious political difficulties would arise at home, as well as difficulties within the Party itself. As we know, the Party was not at all unanimous in its judgment of these happenings. A very large section of the Party members and of the Party leadership condemned these excesses.

DR. SAUTER: Please tell us more of what Schirach said at that time. I should be more interested in that.

LAUTERBACHER: Von Schirach then gave the Youth Leadership special instructions to keep out of demonstrations of this or a similar kind in the future, no matter what the circumstances might be, and condemned every use of violence on educational grounds alone. He concluded the proceedings by prohibiting the reading of the newspaper *Der Stürmer* by the Hitler Youth at club evenings or on any other occasions.

DR. SAUTER: On this occasion, Herr Lauterbacher, did he say anything about the needless destruction of so many cultural treasures, art treasures, property belonging to the people, *et cetera,* and did he not give certain instances of this?

LAUTERBACHER: Yes. As an especially glaring instance, he quoted the case of the attempt, which was at least partially carried through, to loot the Jewish firm of Bernheimer, art dealers in Munich.

DR. SAUTER: Munich?

LAUTERBACHER: Yes. He quoted this example to the Youth Leadership to illustrate the dangerous and irreparable inroads made on the reservoir of our culture and our cultural treasures by these demonstrations.

DR. SAUTER: Is it true that immediately after this Berlin speech about which you have just told us, the Defendant Von Schirach caused definite directives to be issued by telephone from Berlin, through your agency, to the individual Hitler Youth offices?

LAUTERBACHER: This took place as early as 10 November, the day after the Munich meeting. It had nothing to do with the district leaders' meeting, which only took place about 15 November.

DR. SAUTER: Herr Lauterbacher, I assume that, as time went on, you were present at a good many speeches made by the Defendant Von Schirach to his subleaders, or to the Hitler Youth, and that you listened to many of these speeches yourself. Did the Defendant Von Schirach engage in Jew-baiting on these or other occasions? Did he suggest that violence be used against the Jews? What was his attitude?

LAUTERBACHER: Yes; I must have listened to all the important speeches delivered by Von Schirach before the Leadership Corps of the Hitler Youth, and on the occasion of these speeches I never heard him urge the use of violence, which would in any case have been completely foreign to his nature. At any rate, I cannot recall that Von Schirach ever called upon the Youth Leadership, either directly or indirectly, to take part in acts of violence of any kind against anyone.

DR. SAUTER: What did Schirach usually talk about in delivering one of his many speeches addressed to youth? Just the main topic, briefly.

LAUTERBACHER: One must certainly differentiate between the long speeches which he delivered at public demonstrations and the speeches which he made before the leaders of the Hitler Youth.

In the speeches he addressed to the leaders he always discussed the main political and ideological tasks and the tasks of social policy, cultural policy, and professional training which he had assigned to the Hitler Youth.

DR. SAUTER: Now, we shall turn to a different topic, Herr Lauterbacher. Did Schirach cause you to leave the Church?

LAUTERBACHER: No.

DR. SAUTER: Did you leave the Church?

LAUTERBACHER: I do not believe that Herr Von Schirach even knew to what religious denomination I belonged or whether I left

the Church or not. I left the Church in 1937 or 1938, without being influenced or forced to do so by anyone.

DR. SAUTER: Did Von Schirach urge his other collaborators to leave the Church, as far as you know?

LAUTERBACHER: No.

DR. SAUTER: Did Schirach abuse Christianity or incite others to attack it on the occasion of the numerous speeches made by him, to which you have just told us that you listened?

LAUTERBACHER: On those occasions Schirach always told the youth to respect religious convictions, and characterized atheism as an evil, not only once but many times. In his speeches, Von Schirach vigorously criticized, for instance, the athletic clubs existing both before and after 1933 in connection with the various churches and demanded the unity of youth; but on these occasions he did not attack Christianity or the religious convictions of others either in public or in private.

DR. SAUTER: Herr Lauterbacher, during the time the Defendant Von Schirach was Reich Youth Leader, negotiations were pending with the Roman Catholic Church with a view to concluding a concordat, so that relations between the State and the Church would be regulated by an agreement. Do you know whether Von Schirach took part in these concordat negotiations and whether he took much trouble to effect an understanding with the Church on a basis satisfactory to both sides?

LAUTERBACHER: Yes. In 1933 and 1934 Schirach had numerous discussions with representatives of the Church, Reich Bishop Müller of the Protestant Church and the representative of the Fulda Conference of Bishops, Bishop Berning of Osnabrück. I remember that Schirach strove to draw a dividing line between their respective powers and jurisdiction on some such basis as: "Render unto Caesar the things which are Caesar's and unto God the things which are God's."

DR. SAUTER: I have another question, Witness: Do you know whether Von Schirach actually tried to bring about an understanding between the Hitler Youth, of which he was the leader, and the youth of other countries, and can you tell us, for instance, what he did and what steps he took to that end?

LAUTERBACHER: The establishment of a cordial understanding between German youth and world youth generally was undoubtedly one of those tasks the importance of which Schirach constantly emphasized to his youth leaders, and I always had the impression that this task was, as I might almost say, his particular passion. I myself, on his orders—and perhaps I am a cardinal witness on

precisely this point—visited the various European countries, from 1935 onwards, at least once a year and sometimes even two or three times a year, so that I could get in touch with existing youth organizations and with organizations of combatants of the first World War, in order to establish contact with them.

DR. SAUTER: Which countries?

LAUTERBACHER: It can truthfully be said that the Hitler Youth sought contacts with all the countries of Europe; and I myself, at the direct order of Von Schirach, visited England several times. There I met the leader of the British Boy Scouts and his colleague, but also . . .

THE PRESIDENT: I do not think those facts are in dispute. It is merely the inference that is to be drawn from the facts that the Prosecution will rely upon. Therefore it is not necessary for you to go into the facts again, as to the connection of the Hitler Youth with the foreign youth.

DR. SAUTER: Yes, Mr. President.

Witness, you have just heard that these facts are not in dispute. We can therefore turn to another topic. You were the Stabsführer of the Hitler Youth in the Reich Youth Leadership. Do you know whether the Leadership of the Hitler Youth maintained spies or agents abroad, or whether it trained people for the so-called Fifth Column—and I take it you know what that is—in other countries, or whether it brought young people over to be trained as parachutists in Germany and then sent them back to their own countries. During your whole period of office as Stabsführer, did you ever learn of anything like that?

LAUTERBACHER: The Hitler Youth did not have spies, agents, or parachutists to operate in any country in Europe. I would have been bound to learn of such a fact or such an arrangement in any circumstances.

DR. SAUTER: Even if Schirach had made such an arrangement behind your back, do you believe that you would have been bound to learn of it in any case through the channels of reports from district leaders and similar channels?

LAUTERBACHER: I would inevitably have learned of this or have observed it in these districts on some of my many official trips.

DR. SAUTER: Then, Witness, I should like to turn to another topic. The other day you told me about a certain discussion. After the Polish campaign—that would be, presumably, at the end of September or beginning of October 1939—and before the actual campaign in France you had a meeting with the Defendant Von Schirach

in your residence in Berlin-Dahlem, on which occasion the Defendant Von Schirach voiced his attitude to the war. Will you describe this conversation briefly to the Court?

LAUTERBACHER: Yes. Von Schirach came to see me at the end of September or beginning of October 1939. He visited me in the house which I occupied at the time in Berlin. The conversation very quickly turned to war, and Schirach said that, in his opinion, this war should have been prevented. He held the Foreign Minister of that time responsible for having given Hitler inadequate or false information. He regretted the fact that Hitler and the leading men of the State and the Party knew nothing about Europe and the world generally and had steered Germany into this war without having any idea of the consequences.

At that time he was of the opinion that if the war could not be brought to an end in the shortest possible time, we should lose it. In this connection he referred to the enormous war potential of the United States and England. He said—and I remember the expression very well—that this war was an unholy one and that if the German people were not to be plunged into disaster as a result of it, the Führer must be informed of the danger which would arise for Germany if America were to intervene, either through deliveries of goods or through actual entry into the war.

We considered at the time who could inform Hitler, who, in fact, could even obtain access to him. Schirach suggested trying in some way to introduce Colin Ross into Adolf Hitler's presence. Colin Ross was to call Hitler's attention to the threatening catastrophe and to inform Hitler of the facts. This was to be done outside the competency of the Foreign Minister and without the Foreign Minister being present. At that time Colin Ross was not yet in Germany. I remember that when he returned he was introduced into Hitler's presence by way of Schirach.

DR. SAUTER: Witness, will you tell us more about the discussion which you mentioned as having taken place in 1939. I should like you to answer this question: How did he come to choose Dr. Colin Ross in particular? How did you happen to think of him?

LAUTERBACHER: I have already mentioned that the leaders of the National Socialist State and of the Party were almost totally lacking in knowledge of the world and foreign countries generally, and had consequently hit upon this man, who had seen so much of the world. Colin Ross had occasionally attended meetings of the Hitler Youth Leaders before 1939 and had addressed them . . .

DR. SAUTER: What about?

LAUTERBACHER: . . . and thus he was known to Schirach and the Hitler Youth.

DR. SAUTER: What were the topics he discussed before the Hitler Youth?

LAUTERBACHER: Colin Ross spoke of his experiences in every continent.

DR. SAUTER: How did Colin Ross become known to the Hitler Youth? On this occasion did you also speak of whether an attempt should be made to find a solution of the Jewish problem, so that it would be easier to reach an understanding with other countries, and if so, on what basis?

LAUTERBACHER: Yes. In the course of this conversation Schirach referred to the excesses of 9 November 1938 and to the speech he made immediately afterwards, and said that in the circumstances it would naturally be extremely difficult to start discussions with America; that we might have to try beforehand—if circumstances permitted—and he wished to suggest this to Hitler during an interview...

THE PRESIDENT: Dr. Sauter, the Tribunal does not think it is really sufficiently important to go into Schirach's private discussions with this witness. If he can say anything as to what Schirach did, it may be different, but now the witness is simply reciting the discussions which he had with Schirach, nothing more than private discussion.

DR. SAUTER: Witness, what steps did Schirach actually take towards peace, or to shorten the war, as a result of these discussions with you? Did he take any steps; and what were these steps?

LAUTERBACHER: Yes, as he told me at a later discussion, Schirach made use of every opportunity at the beginning of the war to convince Hitler of the need for discussions with America, and with this purpose in view, he actually brought Colin Ross to Hitler, as he told me later. Colin Ross was with Hitler for several hours. When Colin Ross visited me at Hanover he told me about this discussion and on this occasion he said that Hitler was very thoughtful. He did say also, however, that a second discussion which had been planned with Hitler had not materialized, for, according to his version, the Foreign Office had protested against this kind of information.

THE PRESIDENT: We will adjourn now.

[A recess was taken.]

THE PRESIDENT: Dr. Sauter, the Tribunal thinks that this witness is dealing in great detail with matters which are of very

little importance and the Tribunal wishes you to bring his attention to something which is of real importance.

DR. SAUTER: Mr. President, I have in any case only one more question.

One last question, Witness. You have not been with Schirach since 1940. I believe you became a Gauleiter.

LAUTERBACHER: Yes.

DR. SAUTER: Schirach went to Vienna. But in 1943 you again had a long talk with him, mainly about why Schirach did not resign from his post. My reason for putting this question to you is that one member of the Prosecution has already discussed the question today. Will you tell us briefly what reasons Schirach gave at the time for retaining his office or why he did not resign, and what his views on the war were in 1943—at that time, I mean?

LAUTERBACHER: In March 1943, when I made an unofficial visit to Vienna, a very long conversation took place between Von Schirach and myself. At that time, Von Schirach talked very pessimistically about the prospects of the war and told me that we should soon be fighting outside Vienna, in the Alps and along the Rhine. On that occasion he said that he had not been able to see Adolf Hitler for a very long time; that he had had no further opportunity of reporting to him, as had formerly been the case; and that the Chief of the Party Chancellery, Bormann, had consistently prevented him from seeing the Führer and talking to him alone; and that he therefore no longer had any opportunity whatsoever of discussing Viennese questions or general questions with Hitler. In this connection he also stated that Bormann came to him with objections and complaints every day, cancelling orders and directives he had issued in his capacity of Gauleiter in Vienna, and that in view of all this, it was no longer possible for him to remain in office and to shoulder the responsibility.

At a later stage of that conversation, in the course of which we considered all kinds of possibilities, he said that, as he had sworn an oath of allegiance to Hitler, he felt bound to remain in office whatever happened and that, above all, he could not take the responsibility in the present military situation for abandoning the population over which he had been appointed Gauleiter.

He saw the catastrophe coming but said that even his resignation or any action that he might take would not have any influence on the leaders of the State or on Hitler himself and that he would, therefore, remain true to his oath, as a soldier would, and retain his appointment.

DR. SAUTER: Mr. President, that concludes my examination of this witness.

THE PRESIDENT: Does any other defense counsel want to ask him any questions?

DR. SERVATIUS: Witness, were you Gauleiter in Hanover from 1940?

LAUTERBACHER: Yes, from December 1940.

DR. SERVATIUS: You were also Plenipotentiary for Labor in that capacity?

LAUTERBACHER: Yes.

DR. SERVATIUS: Were there many foreign laborers in your Gau?

LAUTERBACHER: Yes, there were a great many foreign laborers in my district. This was mainly due to the Hermann Göring Works, which had been established near Brunswick.

DR. SERVATIUS: Did you have to look after them?

LAUTERBACHER: Yes, my assignments as Plenipotentiary for Labor were confined to looking after foreign civilian workers.

DR. SERVATIUS: Did you receive instructions from Sauckel on that point?

LAUTERBACHER: I, like all other Gauleiter of the NSDAP, constantly received instructions from Sauckel with regard to the recruitment of labor; that is to say, regarding the welfare of these civilian workers.

DR. SERVATIUS: What type of instructions were they?

LAUTERBACHER: The instructions which I received as Gauleiter consisted almost exclusively of repeated demands to do everything to satisfy the foreign workers in matters of accommodation, food, clothing, and cultural welfare.

DR. SERVATIUS: Was that carried out in practice?

LAUTERBACHER: It was naturally carried out within the limits of existing possibilities.

DR. SERVATIUS: Did you inspect camps or factories where these workers were employed?

LAUTERBACHER: Yes, I myself inspected such camps and especially such factories on my official trips. Apart from that I had, as my Gau supervisor of the German Labor Front, a man who assisted me in this task on such occasions.

DR. SERVATIUS: Did you or your Gau supervisor discover the existence of shocking conditions?

LAUTERBACHER: Yes. After the air raids from which Hanover and Brunswick suffered particularly badly from 1943 onwards, I

found conditions in foreign civilian labor camps—just as I did in the living quarters of German people—to be what I would call, perhaps not shocking, but certainly very serious; and after that I tried as far as possible to have these destroyed dwellings repaired, for instance, or to have new ones built.

DR. SERVATIUS: Did you see any abuses for which these industrial enterprises of the supervisory agencies were directly responsible?

LAUTERBACHER: Yes, I do remember two such cases.

Several firms in Hanover had formed a kind of industrial association—a kind of union—and had established a camp for their foreign civilian workers. The trustees of these firms were responsible for this camp. One day the Gau supervisor of the German Labor Front reported to me that living conditions did not comply with instructions received and asked my permission to intervene, that is to say, to be allowed to assume responsibility through the German Labor Front for that collective camp. I gave him this assignment; and sometime afterwards he reported that these difficulties had been overcome.

The Hermann Göring Works constitute another example of this kind. Since I am speaking under oath here, I must mention the fact that that firm disregarded Sauckel's instructions in many respects. On one occasion they recruited workers independently, outside the jurisdiction of the labor administration through their branches in the Ukraine and other countries. These laborers came to Watenstedt, in the area supervised by the Executive Board of the Party, outside the quota fixed by the Plenipotentiary for Labor, and consequently outside of his jurisdiction.

I myself had very considerable difficulty in obtaining entry to the works and the camp. For although Gauleiter and Plenipotentiary, I was not by any means in a position simply to . . .

THE PRESIDENT: Wait a minute. What has this got to do with the Defendant Sauckel?

DR. SERVATIUS: I asked him about any abuses which he had found, for as plenipotentiary for the recruitment of foreign workers it was his duty to ascertain where such bad conditions existed and to report them so that they would finally be brought to Sauckel's notice. He has digressed rather widely and has just been describing the Hermann Göring Works.

THE PRESIDENT: You should stop him, Dr. Servatius. You know the question you were asking.

DR. SERVATIUS: Witness, did you discover the existence of abuses in the camp?

LAUTERBACHER: I was unable to enter the camp, because entry was forbidden.

DR. SERVATIUS: Did Sauckel himself address the workers in your Gau?

LAUTERBACHER: No, not during my period of office. But he frequently sent representatives.

DR. SERVATIUS: I have now got some questions to put on behalf of the political leaders whom I represent.

Did you receive special instructions from the Führer on your appointment as Gauleiter?

LAUTERBACHER: No. When I was appointed Gauleiter I was merely introduced by Herr Hess as Gauleiter, during an assembly of Gauleiter. But I received no special instructions on the occasion of that meeting, and during my...

THE PRESIDENT: Witness, the answer was "no" and you did not need to add to it at all.

DR. SERVATIUS: Did you talk to the Führer later on? Did you receive special or secret instructions?

LAUTERBACHER: I only saw the Führer now and again at Gauleiter meetings and I never had any official discussions with him.

DR. SERVATIUS: Do you know anything about the activities of block leaders? In particular, I want to ask you: Were they used as spies?

LAUTERBACHER: No.

DR. SERVATIUS: But there seems to be a widespread belief that in fact block leaders did act as spies and informers and that has been brought up by the Prosecution. Perhaps the SD used block leaders for that purpose?

LAUTERBACHER: The SD had its own agents who were not known to the Party. At any rate, the block leaders had no instructions to work for the SD.

DR. SERVATIUS: Was no card index kept of Party opponents?

LAUTERBACHER: Not in the Party organizations. As far as I know this card index was kept by the Secret Police, as was made known in connection with the plot of 20 July 1944.

DR. SERVATIUS: Did the Party use agents for spying who may not have been block leaders but who worked for you in your capacity of Gauleiter?

LAUTERBACHER: No.

DR. SERVATIUS: I have no further questions.

MR. DODD: When did you join the SS, Witness?

LAUTERBACHER: I was made an SS Brigadier General on 2 August 1940, on the occasion of my appointment as Deputy Gauleiter.

MR. DODD: I did not hear your answer as to when you first joined the SS. Would you repeat it, please?

LAUTERBACHER: On 2 August 1940.

MR. DODD: You had not belonged before that date to the organization at all?

LAUTERBACHER: I was not a member of the SS before that date; but I served in the Waffen-SS as a soldier, from 26 May 1940 to September 1940.

MR. DODD: And then you later became an SS Obergruppenführer, did you not?

LAUTERBACHER: On 20 April 1944.

MR. DODD: And when did you join the staff of Himmler?

LAUTERBACHER: I was never a member of Himmler's staff.

MR. DODD: Did you not join it in January of 1944, or what would you say that you did join in the Reichsführer SS Organization? Perhaps I have used the wrong term "staff." There is some other name for it. Were you not affiliated in some way with Himmler?

LAUTERBACHER: No, I never had any SS assignments.

MR. DODD: Did you have any connection with the Reichsführer SS from January 1944 on?

LAUTERBACHER: In October 1944 the Reichsführer SS had gone in his special train to Bad Pyrmont, on the occasion of a meeting of West German Gauleiter and Higher SS and Police Leaders. I had orders to be present at that function; and in the course of the meeting I had a talk with him.

MR. DODD: That is not what I asked; but I will pass it. Did you become an SA Obergruppenführer in 1944, as well as SS Obergruppenführer?

LAUTERBACHER: I became an SA Obergruppenführer, I think, in 1944 or 1943.

MR. DODD: You were also a member of the Reichstag in 1936, were you not?

LAUTERBACHER: Yes.

MR. DODD: And a member of the Party, I guess you said, since 1927; is that right?

LAUTERBACHER: Since 1927.

MR. DODD: And a member of the Hitler Youth, or NSDAP, since 1923?

LAUTERBACHER: I joined the Hitler Youth in 1927. The Hitler Youth was not established until 1927.

MR. DODD: Well, whenever it was, the youth organization of the Party, that is what I mean. How many people did you have hanged publicly while you were the Gauleiter up in Hanover?

LAUTERBACHER: I did not understand the question.

MR. DODD: I said: How many people did you have hanged publicly while you were the Gauleiter up in Hanover?

LAUTERBACHER: I never hanged anyone publicly.

MR. DODD: Are you sure about that?

LAUTERBACHER: Yes.

MR. DODD: How many people did you send to concentration camps?

LAUTERBACHER: I might have handed over 5 or 10 persons to ordinary courts for violating war economy regulations. And in one case which I remember particularly well, there were two people who refused . . .

MR. DODD: Well, I do not care about the details. Just tell me how many you sent.

LAUTERBACHER: There were two. I do not know if they were sent to concentration camps, because I myself could not intern them. The internment was decided in Berlin.

MR. DODD: Do you know a man by the name of Huck, H-u-c-k, Heinrich Huck?

LAUTERBACHER: Huck—no. At the moment I cannot remember that name.

MR. DODD: The police commissar under your Gau, or in your Gau?

LAUTERBACHER: No, I do not know him.

MR. DODD: I want to ask: Did you not have a foreign worker from one of the eastern countries hanged, publicly hanged in the market square, and to remain there a whole day, at one time, while you were the Gauleiter up there?

LAUTERBACHER: No. Where is that supposed to have happened?

MR. DODD: It is supposed to have happened in Hildesheim.

LAUTERBACHER: No.

MR. DODD: In March of 1945, just before the war ended.

LAUTERBACHER: No. That is unknown to me. I never gave any such instructions.

MR. DODD: Did you order 400 or 500 prisoners poisoned or shot just before the city was taken by an Allied army?

LAUTERBACHER: No, that was put to me in London, and I think I cleared up the matter.

MR. DODD: You know what I am talking about, then?

LAUTERBACHER: Yes, the penitentiary at Hameln.

MR. DODD: You know that your Kreisleiter says that you ordered them poisoned with either prussic acid or strychnine, or else they were to be shot?

You know about that, do you not?

LAUTERBACHER: I was told about that in London.

MR. DODD: And not only does your Kreisleiter say that but Richard Rother, who was an inspector at the prison at Hameln, confirms that the order was passed on, that either they were to be poisoned or shot; do you know about that as well?

LAUTERBACHER: I never gave any such order.

MR. DODD: I am asking you if you know that these people associated with you have sworn under oath that you did. You have seen these affidavits, have you not?

LAUTERBACHER: I was told of it in London; but I was also told that the inmates of that penitentiary were neither poisoned nor shot, but sent back.

MR. DODD: Yes, they were, but not because of you, but because your people refused to carry out your orders, is not that so?

LAUTERBACHER: I know nothing about that, because I was no longer in Hameln and no longer a Gauleiter.

MR. DODD: You have seen these affidavits, so I do not think there is any need to hand them to you, but I am going to offer them in evidence.

LAUTERBACHER: I received the statement of the commissioned Kreisleiter, Dr. Krämer, in London, and I replied to it.

MR. DODD: Very well. You know what he says, then?

I offer this D-861 as Exhibit USA-874, Mr. President. It is a document consisting of 7 affidavits from persons associated with this witness when he was the Gauleiter, and having to do with his conduct while he was Gauleiter there.

THE PRESIDENT: How do you suggest that that evidence is relevant?

MR. DODD: I offer them in relation to this man's credibility, or rather lack of it. I do not think that they have anything to do directly with the case, other than they show the kind of individual

he is, as we claim, and that the Tribunal should have this information before it when it considers the weight it will give to his testimony.

I have also just been reminded by my friend, Mr. Elwyn Jones, that of course it would have a bearing on the issue of the Leadership Corps of the Nazi Party, of which he is a member. That had not occurred to me, however. However, I do wish to claim it as a ground, also, for this document.

THE PRESIDENT: Where are the people who made these affidavits?

MR. DODD: Mr. President, I will have to inquire. I do not know. They are in custody, some of them at least, in the British zone here in Germany.

DR. SAUTER: Mr. President, you have just inquired where these people are who made these affidavits. Perhaps I can assist you in clarifying these questions. This Josef Krämer, whom the Prosecution have just quoted as the leading witness against the witness Lauterbacher, was sentenced to 7 years' imprisonment by an English court some 8 or 10 days ago, and this for the very reason which the prosecutor has just mentioned. Herr Lauterbacher knows nothing about this matter, but quite accidentally I read a report of this trial in a German newspaper and I have the report here. In that article, dated 2 May of this year, it is stated that the former Kreisleiter of Hameln, Dr. Josef Krämer, was sentenced by the court of the 5th British Division to 7 years' imprisonment. I quote from that article:

> "Upon the approach of the Allied troops Krämer had given the order to liquidate the inmates of the penitentiary at Hameln. 'No dangerous prisoner and no foreigner is to be allowed to fall into the hands of the enemy,' was his order. 'They must all be poisoned with prussic acid, or, if that is not possible, they will have to be shot.' "

That was the wording of the order given by ex-Kreisleiter Josef Krämer; and he is now being used as a witness against my witness here. The report goes on to say that officials at the penitentiary, who appeared as witnesses, stated that in spite of this order from Dr. Krämer they had refused to liquidate the prisoners. The rest is of no interest but I thought that perhaps it might be important for the Tribunal, when dealing with this question, to see from a document how this former Kreisleiter behaved in reality. If you are interested, Mr. President, the newspaper clipping, although it is in German, can be admitted to you at once.

MR. DODD: May I say, Mr. President, that perfectly substantiates the document; that is, Krämer says in here that is what he did, that

he passed orders on but that he got them from this man. If anything, it supports us. It does not hurt us one whit insofar as the value of this document is concerned.

In looking them over, I think it is perhaps best if I only offer the first one and the last one. There are some others in this group that are not particularly helpful, I expect, for the Court. I shall withdraw all but the first and last and offer only the affidavit of Krämer and the affidavit of Huck.

THE PRESIDENT: Mr. Dodd, the Tribunal does not think that these documents ought to be admitted. In the first place, so far as the credit of the particular witness is concerned, they do not think that his answers on questions of credit ought to be challenged by other evidence. So far as the Leadership Corps is concerned, they think that these documents are only evidence of one individual crime.

MR. DODD: Very well, Mr. President.

Witness, I understood you to say that you never heard the Defendant Von Schirach say anything really derogatory of the Jewish people, and, on the contrary, you heard him speak out quite openly after the events of 9 November 1938. Did I understand you correctly?

LAUTERBACHER: Yes, he criticized the atrocities in no uncertain terms at the meeting of Gauleiters. He had no doubt that . . .

MR. DODD: Do not go all through it again. I just wanted to be sure that I understood you correctly.

I suppose you read the Hitler Youth yearbook for the year 1938, as the Deputy to the Reich Leader.

LAUTERBACHER: At the moment I do not remember this book. If I could have a look at it?

MR. DODD: Of course I do not expect you to. I merely wanted to ascertain that you did read it. I suppose you always read your yearbook?

LAUTERBACHER: No.

MR. DODD: What, you did not read it?

LAUTERBACHER: I cannot remember, no.

MR. DODD: Well, would it not be customary for you to read the yearbook? Let us put it that way.

LAUTERBACHER: The yearbook was compiled by the Press Department and I had no influence on the details of the journalistic make-up of our newspapers, periodicals or yearbooks. I do not remember this book, at least as far as it concerns demands for anti-Semitic atrocities, or a policy of force.

MR. DODD: Well, I will show it to you in any event and call your attention to an article in the yearbook concerning the Jewish people. Do you know what I refer to? Where they were charged with having spilled the blood of millions of dead in history. That was put out, I assume, after the brave statements by the defendant in November of 1938, since it is for the whole year of 1938. You will find the article that I refer to on Page 192.

LAUTERBACHER: Yes.

MR. DODD: Have you seen that article before?

LAUTERBACHER: No. That yearbook had no official character; it was a private enterprise on the part of the publishers.

MR. DODD: Now, just a minute. What do you mean, "it had no official character"? It was the yearbook of the Hitler Youth, was it not?

LAUTERBACHER: This yearbook was not officially edited by the Hitler Youth or by the Party. I never saw it until after it was published.

MR. DODD: It was published by the Central Publishing House of the NSDAP, was it not?

LAUTERBACHER: Yes, that is correct; I see that.

MR. DODD: It was called *The Yearbook of the Hitler Youth*, and you put it out for a good many years consecutively, did you not? I do not mean you personally, but I mean the Party and the Hitler Youth.

LAUTERBACHER: No. This yearbook was compiled and published every year by the gentleman mentioned there, or by others, as the case might be.

MR. DODD: I know that. I am simply trying to establish this, that this was the yearbook of the Hitler Youth and the only one that was put out, and it was put out each year. Now is that not so?

LAUTERBACHER: This book appeared every year, but I repeat again that it had no official character, nor do I believe that...

MR. DODD: Well, what would you say would give it an official character?

LAUTERBACHER: If it said here, "Published by the Reich Youth Leader's Office," it would have an official character.

MR. DODD: And the fact that it said, "Published by the Central Publishing House of the NSDAP" would not give it one, is that it?

LAUTERBACHER: Certainly not.

MR. DODD: You did not put out any other publications in the nature of a yearbook, did you, except this one?

LAUTERBACHER: A calendar was published every year.

MR. DODD: Well, I am certainly not talking about a calendar; I am talking about a report or a book.

LAUTERBACHER: No.

MR. DODD: And you are still telling this Tribunal that this was not the yearbook of the Hitler Youth and the only one that was published in Germany?

LAUTERBACHER: I repeat that this yearbook did not have any official character.

MR. DODD: Well, after having read that quotation, do you still think that Schirach, as leader of the Reich Youth, was not actively speaking about the Jews in a derogatory sort of way, or that talk of this kind was not going on under his leadership?

LAUTERBACHER: Von Schirach never left any doubt regarding his anti-Semitic attitude as long as he was Reich Youth Leader.

MR. DODD: Do you know the speech he made in 1942 when he took credit for deporting the Jews from Vienna? Are you familiar with that speech?

LAUTERBACHER: No, I do not know that speech. During that time I was in Hanover, and Schirach was in Vienna.

MR. DODD: Yes. He was a fellow Gauleiter at that time.

Did you ever get any SS reports on what was happening to the Jews in the East?

LAUTERBACHER: Never. I never had access to SS reports, SS circulars, or orders.

MR. DODD: Did you deport any Jews from your Gau?

LAUTERBACHER: When I came to the Gau in December 1940, the Jews had already emigrated.

MR. DODD: They were already out by the time you got there?

LAUTERBACHER: Yes.

MR. DODD: Did you ever hear of Gauleiters getting reports from Heydrich or from Himmler about what was happening to the Jews in the East? Did any of your fellow Gauleiter ever tell you that they got reports regularly, say by the month or by the week?

LAUTERBACHER: No. Himmler's reports were no more accessible to the Gauleiter than they were to the honorary leaders of the SS. As Obergruppenführer of the SS I never received a report or an instruction from Himmler.

MR. DODD: Those Himmler reports were handled pretty carefully, were they not?

I am now asking you—as an SS Obergruppenführer I suppose you know something about it—were those reports handled very carefully, those Himmler and Heydrich reports?

LAUTERBACHER: As an SS Obergruppenführer I never received any of Himmler's reports, and I know that Himmler sent all reports dealing with confidential or internal SS matters only to SS and Police, that is, SS leaders in the service of the SS, but never to the honorary leaders.

MR. DODD: Now, what I really asked you was whether or not the reports, when they were sent out, were very carefully handled. Do you know the answer to that?

LAUTERBACHER: I do not know. I do not know how these reports were handled.

MR. DODD: What was Heydrich's reputation, so far as you were concerned, in 1942? Did you think very well of him or did you think very poorly of him before he was killed?

LAUTERBACHER: I only knew Heydrich from meeting him a few times in the Reich Youth Leader's Office, and I had a good impression of him personally. I am forced to have a different opinion of him now; but only because I now know of his measures.

MR. DODD: What was he doing in the Reich Youth Leader's Office the few times that you met him? What business did he have there?

LAUTERBACHER: He had intervened on his own initiative and through his own agencies in cases of homosexuality. Schirach forbade that and told him that these matters too were first of all subject to his own jurisdiction.

MR. DODD: You sat in on all of these conferences with Heydrich, no matter how many there were, did you not?

LAUTERBACHER: I participated in one conference on the question of homosexuality in the Hitler Youth.

MR. DODD: Tell us this: Did it appear to you, from what you saw and heard there, that Heydrich and Schirach were very friendly, or on a very friendly basis?

LAUTERBACHER: That conference did not take place with Von Schirach, but with one of the officials from the Reich Youth Leader's Office who, as Chief of the Hitler Youth Legal Administration, conducted the discussion with Heydrich.

MR. DODD: Were you ever present when Heydrich talked to Von Schirach? Were you ever present?

LAUTERBACHER: No.

MR. DODD: Did Heydrich ever talk to you, or rather, did Von Schirach ever talk to you about Heydrich?

LAUTERBACHER: No, I cannot remember that.

MR. DODD: We have no further questions, Mr. President.

THE PRESIDENT: Dr. Sauter?

DR. SAUTER: Thank you, I have no further questions.

THE PRESIDENT: The witness may retire.

DR. SAUTER: With the permission of the President, I shall now call my next witness, Gustav Hoepken.

[The witness Hoepken took the stand.]

THE PRESIDENT: Will you state your full name, please?

GUSTAV DIETRICH HOEPKEN (Witness): Gustav Dietrich Hoepken.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SAUTER: Herr Hoepken, I have already examined you on the case of Schirach when you were in prison?

HOEPKEN: Yes, you have already examined me.

DR. SAUTER: How old are you?

HOEPKEN: I am 36.

DR. SAUTER: What is your father's occupation?

HOEPKEN: My father is a dock laborer.

DR. SAUTER: And yourself?

HOEPKEN: I was a newspaper boy, a dock laborer, a spare-time student, and sports instructor.

DR. SAUTER: Sports instructor. You are now in American hands, are you not?

HOEPKEN: Yes, I am a prisoner in American hands.

DR. SAUTER: Since when?

HOEPKEN: Since 19 May 1945.

DR. SAUTER: Has the Prosecution interrogated you on this matter?

HOEPKEN: Up to now the Prosecution has not interrogated me.

DR. SAUTER: When did you join the Hitler Youth?

HOEPKEN: I joined the Hitler Youth in 1933.

DR. SAUTER: You joined the Hitler Youth in 1933? How old were you at that time?

HOEPKEN: I was 23.

DR. SAUTER: And in what capacity did you join?

HOEPKEN: First as an ordinary member. In September 1933 I became an Unterbannführer in the Hitler Youth.

DR. SAUTER: Unterbannführer in 1933?

HOEPKEN: Yes, in September 1933.

DR. SAUTER: Was that a salaried position or an honorary appointment?

HOEPKEN: From 1933 to 1935 I worked as a sports instructor in the Hitler Youth.

DR. SAUTER: And in 1935?

HOEPKEN: In 1935 I joined the government offices at Potsdam as an expert on PT in schools.

DR. SAUTER: But that had nothing to do with the Hitler Youth, had it?

HOEPKEN: At Potsdam I also commanded the Potsdam unit and local headquarters of the Hitler Youth.

DR. SAUTER: So you were a civil servant—or rather, an employee of the State and apart from that an honorary leader of the Hitler Youth?

HOEPKEN: From 1935 until 1939 I was a civil servant in the government offices at Potsdam and I also commanded the Hitler Youth unit and local headquarters at Potsdam in an honorary capacity.

DR. SAUTER: Therefore in the summer of 1939 you joined the Reich Youth Leadership, did you?

HOEPKEN: In June 1939 I joined the Reich Youth Leadership and became adjutant to Baldur von Schirach who was Reich Youth Leader at the time.

DR. SAUTER: And how long did you hold that office?

HOEPKEN: Until August 1939, and then I became a soldier.

DR. SAUTER: Before you joined Schirach's staff, had you not served in the Armed Forces?

HOEPKEN: Up to joining Schirach in 1939 I had done 8 weeks' obligatory training in the Air Force.

DR. SAUTER: Apart from that, you had no training?

HOEPKEN: Apart from that I had no military training.

DR. SAUTER: Were you an officer?

HOEPKEN: I had not been an officer up to that time.

DR. SAUTER: So far as his other collaborators were concerned, did Schirach attach importance to their being officers or trained soldiers?

HOEPKEN: So far as I know, Von Schirach did not care whether his collaborators were soldiers or officers, on the contrary, it was his view, as he told me repeatedly, that soldiers and officers, as far as he could see, were less suitable as youth leaders.

DR. SAUTER: I do not want to go into the general question of the training of the Hitler Youth, but I wish to ask you one single question on this point, especially because you are a sports instructor by profession. It is a question about the training of the Hitler Youth in shooting. Were they trained with military weapons, or how were they trained in firing?

HOEPKEN: The Hitler Youth were trained in shooting with air guns or small arms. They did not shoot with military weapons.

DR. SAUTER: In that case I will not put any further questions to you on the subject of uniform as these questions have already been clarified. But there is one other thing in which I am interested and that is the relationship to the Church: Do you know, Witness, whether the Defendant Von Schirach in 1937, that is in the issue of the Berlin paper, the *Berliner Tageblatt* of 14 January 1937, published an article written by his press adviser Günther Kaufmann, headed "Can the Gap be Bridged"? That article, a copy of which I have before me, deals with a problem in which I am interested, and that is why I want to ask you: Do you know what Schirach made his press adviser write in that article on the question of whether the Hitler Youth leaders should consider the young people's need for church services or not?

HOEPKEN: I know the article.

DR. SAUTER: You know it?

HOEPKEN: I also know the order issued by the Reich Youth Leader of that time stating that on Sundays there should be no Hitler Youth duty for all those boys and girls who wanted to attend church. Every boy and girl in the Hitler Youth at that time was supposed to be able to attend religious services of his or her own free will; and it was made part of the duty of the Hitler Youth leaders at the time to refrain from entering into any arguments or controversies about the Hitler Youth and the Church. He prohibited that.

DR. SAUTER: Witness, that is the main point of that article of 14 January 1937. But you know that the Defendant Schirach had certain difficulties with Hitler because of this article. Will you tell us briefly what you know about it?

HOEPKEN: As soon as the agreement between the Church and the Hitler Youth was made, the article mentioned appeared in the *Berliner Tageblatt.* On the day that article appeared, Schirach was at a meeting in Rosenberg's office. Hitler called Schirach to the telephone at that time. Hitler took Schirach sternly to task, firstly, for making an agreement between the Church and the Hitler Youth and, secondly, for publishing this article. His intention was to cancel the agreement and to ban any further issue of the newspapers. Neither of these things happened.

DR. SAUTER: Did Schirach refuse to withdraw the article?

HOEPKEN: So far as I know he did.

DR. SAUTER: In 1940 you went to Vienna with Schirach?

HOEPKEN: No, I did not.

DR. SAUTER: When did you go?

HOEPKEN: I went to Vienna for the first time in September 1941.

DR. SAUTER: Where had you been in the meantime?

HOEPKEN: I have already told you that I joined the Luftwaffe in August 1939 and served during that time as a service flying instructor in a Luftwaffe training school.

DR. SAUTER: And you did not rejoin Schirach until 1941, and then in Vienna?

HOEPKEN: Yes; I joined Schirach in Vienna in September 1941.

DR. SAUTER: The highest dignitary of the Catholic Church in Vienna is Cardinal Innitzer, right?

HOEPKEN: Yes.

DR. SAUTER: Do you know what Von Schirach's attitude to Cardinal Innitzer was? I will tell you at once why I am asking you this question; I want to know if it is true that Schirach objected to Cardinal Innitzer's being molested by the Hitler Youth, and what steps he took, *et cetera.*

HOEPKEN: Schirach told me repeatedly that he would like to have a talk with Cardinal Innitzer, but that he was not allowed to do so, firstly, because of a decree issued by the former head of the Party Chancellery, Martin Bormann, prohibiting the Gauleiter from contacting Church dignitaries and, secondly, because Schirach knew that he himself was under surveillance.

DR. SAUTER: Who, Schirach?

HOEPKEN: That Schirach was under surveillance and thought that if he forced such a discussion, Bormann would be certain to know of it on the next day, which would have had most unpleasant consequences both for Schirach and Cardinal Innitzer. On the other hand, it was Schirach's view that Cardinal Innitzer also would certainly have liked to have a talk with Schirach and Schirach thought that certainly would not have been the case if Cardinal Innitzer had not known of his tolerant attitude toward the Church and the Christian religion. It is furthermore known to me—and I think this happened in the winter of 1944 to 1945—that Cardinal Innitzer was molested by youthful civilians while returning from mass. Cardinal Innitzer had the police find out the names of these youngsters, and they turned out to be Hitler Youth leaders. Schirach ordered the competent district leader of the Hitler Youth to him the same day, took him severely to task, and demanded that the youth leaders in question be relieved of their duties at once. As far as I know, this was actually done. I believe I also remember that Schirach had a letter of apology sent to Cardinal Innitzer, either personally or through one of his officials.

THE PRESIDENT: I think we had better break off now.

[The Tribunal adjourned until 28 May 1946 at 1000 hours.]

ONE HUNDRED AND FORTIETH DAY

Tuesday, 28 May 1946

Morning Session

MARSHAL: May it please the Tribunal, the report is made that Defendant Göring is absent.

THE PRESIDENT: We were going to deal with Defendant Bormann's documents, were we not?

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases.

DR. SERVATIUS: Mr. President, two witnesses only have arrived so far for the Defendant Sauckel. Three essential witnesses are still missing. Perhaps the Court can help to bring these witnesses quickly so that the case will not be delayed. They are the witnesses Stothfang, Dr. Jäger, and Hildebrandt. I have repeatedly asked the Prosecution to get them but they are not here yet. I have not yet spoken to the witnesses.

THE PRESIDENT: Have they been located?

DR. SERVATIUS: Yes. One is in a camp in Kassel, which is only a few hours from here, and the other is in Neumünster. That is a little farther, perhaps 6 or 7 hours from here. Dr. Jäger is free.

THE PRESIDENT: That is not in accordance with the information which the Tribunal has. The Tribunal has the information that they cannot be found.

DR. SERVATIUS: I received the information that their whereabouts has been ascertained.

THE PRESIDENT: From whom did you receive that information?

DR. SERVATIUS: Officially, from the General Secretary.

THE PRESIDENT: Well, we will make inquiries into it.

SIR DAVID MAXWELL-FYFE: My Lord, first, with regard to the witnesses applied for for the Defendant Bormann. They are, as I understand it, Fräulein Krüger, to whom we have no objection. The witness Müller is no longer applied for?

DR. BERGOLD: Yes, I have dispensed with that witness.

SIR DAVID MAXWELL-FYFE: Then, Klopfer, and lastly, Friedrich. These are with regard to Bormann's law-making activities, and the Prosecution have no objections.

DR. BERGOLD: Your Lordship, in place of the witness Müller, whom I have withdrawn, I have an additional request for the witness Gerta Christian on the same subject for which I had requested the witness Müller.

THE PRESIDENT: The first witness, Miss Krüger, is going to speak to exactly the same facts, is she not, to the death of Bormann?

DR. BERGOLD: Yes, Your Lordship. The circumstances concerning Bormann's death are not very clear. It is very necessary to hear all the available witnesses on this subject because only in this way can one be convinced of the fact, which I am trying to establish, that the Defendant Bormann is already dead.

THE PRESIDENT: It does not seem to be a very relevant fact. It is very remotely relevant whether he is dead or whether he is alive. The question is whether he is guilty or innocent.

DR. BERGOLD: Your Lordship, my point of view is that sentence cannot be passed against a dead man. That is not provided for in the Charter. According to the Charter, the Court can only sentence an absent person, but a dead person cannot be included under the term "absent." If the defendant is dead, the Charter does not provide the possibility of continuing proceedings against him.

THE PRESIDENT: Sir David, have you any objection to that other witness?

SIR DAVID MAXWELL-FYFE: No, My Lord, the Prosecution does not make any objections.

THE PRESIDENT: Very well.

SIR DAVID MAXWELL-FYFE: Now, My Lord, with regard to the documents, the first batch of documents is a series of treaties and diplomatic pronouncements and documents to counteract the statement of Sir Hartley Shawcross as to the position of international law before the Charter, the statement that the law of nations had constituted aggressive war an international crime before this Tribunal was established and this Charter became part of the public law of the world. The position of the Prosecution is that evidence on that point is really irrelevant because after all, the Tribunal is covered by the Charter, and it seems unnecessary to translate and publish, by way of document books, all these matters which the learned counsel has set out in his application. That is, shortly, the position of the Prosecution with regard to that first batch of documents. Especially, I do not want to discuss the problem for the reason that I have given.

THE PRESIDENT: Yes. What are the numbers of them?

SIR DAVID MAXWELL-FYFE: They are 1 to 11—no, 7, in the application.

THE PRESIDENT: Yes. Are they long documents?

DR. BERGOLD: Your Lordship, I have not seen them yet. I applied for these documents 3 months ago in order to look them over, but unfortunately I have not received them yet and therefore I cannot give the Court any information as to whether they are long or not and what parts of them I will need for my defense.

THE PRESIDENT: Number 2 looks like a long document.

SIR DAVID MAXWELL-FYFE: Yes, My Lord.

DR. BERGOLD: But I will not use all these documents if I receive them. I shall probably take some of them, Your Lordship; I shall only . . .

THE PRESIDENT: When you say you applied for them 3 months ago, you do not mean you applied to the Tribunal, do you?

DR. BERGOLD: I applied to the General Secretary, but perhaps it was put aside when Your Lordship decided that my case should be postponed to the end. Perhaps it was forgotten.

THE PRESIDENT: Was there any order on your application?

DR. BERGOLD: No.

THE PRESIDENT: You applied, I think, for an adjournment, did you not, in order that the matter might be brought up later?

DR. BERGOLD: Yes, Your Lordship; I am in an especially difficult situation. I have questioned many witnesses and have tried very hard, but I can find nothing exonerating. All the witnesses are filled with great hatred toward the Defendant Bormann, and they want to incriminate him in order to exonerate themselves. That makes my case especially difficult. The man himself is probably dead and can give me no information. Any day now I might get new information. For example, a few days ago one of Bormann's co-workers, a Dr. Von Hummeln, was arrested in Salzburg. I will go to see him and perhaps I shall get fresh information—perhaps none. I must also assume . . .

THE PRESIDENT: We need not bother about that now. We are only inquiring about your application with reference to the documents.

Sir David, have you anything further you want to say about the documents?

SIR DAVID MAXWELL-FYFE: No, that is my short point. I do not want to discuss the merits of my points because that is the issue, that I am saying is irrelevant.

THE PRESIDENT: What about Number 11?

SIR DAVID MAXWELL-FYFE: I am not disposed to object to any of the other documents, My Lord.

THE PRESIDENT: Are there any others besides . . .

SIR DAVID MAXWELL-FYFE: Number 11—I can see a possible argument on that, My Lord; therefore I am not going to object to it. The other documents we certainly have no objection to; the ordinances of the Führer's Deputy and . . .

THE PRESIDENT: All under "B"?

SIR DAVID MAXWELL-FYFE: Yes. The Prosecution makes no objection to these.

THE PRESIDENT: Yes.

Now, what do you say to Sir David's objection to these documents, 1 to 7?

DR. BERGOLD: Well, Your Lordship, I have already made my point of view clear in my application. In order to save the time of the Court, I will merely refer to this written application. I will not say any more at the moment on the subject, but if Your Lordship wants me to explain it here now I am ready to do so.

THE PRESIDENT: The Tribunal will consider the matter.

SIR DAVID MAXWELL-FYFE: Did Your Lordship wish to deal with the other outstanding applications or would Your Lordship prefer to deal with that later on at the end of the case of Von Schirach?

THE PRESIDENT: I do not think we have the papers here. We were only going to deal with Bormann this morning.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases.

THE PRESIDENT: Mr. Dodd, we have got a document here, D-880, said to be extracts from testimony of Admiral Raeder, taken at Nuremberg on 10 November 1945 by Major John Monigan. Have you offered that document in evidence or not?

MR. DODD: May I have just a minute to check it? I am not certain.

THE PRESIDENT: Yes, we will give you the document.

MR. DODD: I believe not, Mr. President; I do not believe it has been offered in evidence.

THE PRESIDENT: It seems to have been handed up yesterday or the day before . . .

MR. DODD: I think through a mistake.

THE PRESIDENT: . . . or last week. Yes. But you will find out about that and let us know.

MR. DODD: Very well, Sir.

THE PRESIDENT: Dr. Sauter, you were still examining Gustav Hoepken, were you not?

DR. SAUTER: Mr. President, I shall continue my examination of the witness Hoepken.

[The witness Hoepken resumed the stand.]

DR. SAUTER: Herr Hoepken, we stopped yesterday when discussing the question whether the Defendant Von Schirach during his time in Vienna was opposed to the Church or was tolerant in this connection. The last answer you gave me yesterday referred to the relations of the Defendant Von Schirach to the Viennese Cardinal, Innitzer. Is it correct, Witness, that at the suggestion and with the knowledge of the Defendant Von Schirach during his time in Vienna you periodically had talks with a Catholic priest there, a Dean, Professor Ens, for the purpose of discussing Church questions with him and removing any differences which might arise?

HOEPKEN: Yes, that is true. Professor Ens was not, as you assume, Catholic, but Protestant. He was Dean of the faculty of theology of the University of Vienna. When he visited me he submitted many Church and religious questions to me. I discussed them with him. He then asked me to report on them to Herr Von Schirach so that, if it were in his power, he could make redress. This was done as far as possible.

DR. SAUTER: Do you know, Witness, that the Defendant Von Schirach, for example, ordered that at the Party Christmas celebrations new National Socialist Christmas songs were not to be sung, but the old Christian Christmas hymns?

HOEPKEN: Yes, I know that at the Christmas celebrations of the Party and of the Hitler Youth, and the Christmas celebration for wounded soldiers, the old Christian Christmas carols, such as "Es ist ein Ros' entsprungen," and "Silent Night, Holy Night..."

THE PRESIDENT: This is surely not a matter which is worthy to be given in evidence.

DR. SAUTER: Witness, do you know that the Defendant Von Schirach, in the official magazine of the Hitler Youth, had a special number published which was in favor of humane treatment of the people of the Eastern Territories, and when was that?

HOEPKEN: I know that it was the quarterly number for April to June 1943.

DR. SAUTER: Do you know that in the same official magazine of the Hitler Youth, at the request of the Defendant Bormann, a special anti-Semitic number was to appear, but that Von Schirach refused it?

HOEPKEN: I know that it was requested at that time by the Propaganda Ministry and also by the Party Chancellery. Von Schirach refused each time.

DR. SAUTER: Witness, do you know that Von Schirach once inspected a concentration camp?

HOEPKEN: Yes, I know that.

DR. SAUTER: Which one?

HOEPKEN: The concentration camp Mauthausen.

DR. SAUTER: In regard to this point, which has already been more or less cleared up by the testimony of other witnesses, I am interested only in one question. When was this visit to Mauthausen?

HOEPKEN: I cannot say exactly. I can say with certainty, however, that it was not after April 1943.

DR. SAUTER: Why can you say that?

HOEPKEN: In April 1943 I was discharged from hospital and began my service in Vienna. From that day on until April 1945 I knew every day where Von Schirach was. Moreover, immediately after my arrival in Vienna in April 1943, when I asked him, as I was rather run-down physically because of my wound and was also a sports teacher, whether I might do some sports between 7 and 8 in the morning . . .

THE PRESIDENT: Dr. Sauter, we do not want to know about the witness' health, do we?

DR. SAUTER: Witness, you heard what the President just said. I have already told you I am interested in when this visit to Mauthausen was. You said, if I understood you correctly . . .

THE PRESIDENT: He said he could not say when it was and it was after April 1943. He said he could not say when it was.

DR. SAUTER: Mr. President, I believe you misunderstood the witness. Witness, please pay attention as to whether this is correct. I understood the witness to say that it was before April 1943. The visit must have been before April 1943. It could not have been later.

THE PRESIDENT: Dr. Sauter, he also said, according to the conversation I heard and took down, that he could not say when the particular time was.

DR. SAUTER: Yes, but through the testimony of the witness I should like to settle the fact that it was not later than April 1943.

THE PRESIDENT: He said that already. He said it. He said, "I cannot say when it was, but it was not after April 1943." He said: "In April 1943 I was discharged from the hospital and began my service in Vienna. I knew every day where Schirach was." I have got that all written down.

DR. SAUTER: Very well. Witness, in this conversation about his visit to Mauthausen did the Defendant Von Schirach tell you anything to the effect that on this visit he got to hear of any atrocities, ill-treatment, and such things?

HOEPKEN: No, he said nothing about that.

DR. SAUTER: Witness, I now turn to the question of the deportation of Jews from Vienna. As far as I know you were an earwitness of a conversation between the Reichsführer SS Himmler and the Defendant Schirach. Will you tell us what was said in this conversation on the question of the deportation of Jews?

HOEPKEN: I believe it was in November 1941; Himmler and Schirach were motoring through East Prussia from Himmler's quarters to his special train. In the car Himmler asked Von Schirach: "Tell me, Von Schirach, how many Jews are still in Vienna?" Von Schirach answered, "I cannot say exactly. I estimate 40,000 to 50,000." And Himmler said: "I must evacuate these Jews as quickly as possible from Vienna." And Schirach said: "The Jews do not give me any trouble, especially as they are now wearing the yellow star." Then Himmler said: "The Führer is already angry that Vienna, in this matter as in many others, is made an exception, and I will have to instruct my SS agencies to carry this out as speedily as possible." That is what I remember of this conversation.

DR. SAUTER: Do you know anything about the anti-Semitic speech made by the Defendant Von Schirach in September 1942 at a Congress in Vienna, which the Prosecution submitted to the Court?

HOEPKEN: Yes, the contents of the speech are known to us.

DR. SAUTER: I want to know whether you know anything about it, especially whether Schirach said anything to you about why he made this anti-Semitic speech?

HOEPKEN: I know from the press officer Günther Kaufmann, who was mentioned yesterday, that directly after this speech Von Schirach instructed Kaufmann that every point in the speech should be telephoned to the DNB (Deutsches Nachrichtenbüro) in Berlin, with the remark that he had every reason to make a concession to Bormann on this point.

DR. SAUTER: Why a concession?

HOEPKEN: I assume that Schirach knew that his position in Vienna was precarious, and that he constantly heard, especially from the Party Chancellery, that he must take a stricter course in Vienna.

DR. SAUTER: You were Chief of the Central Bureau with Schirach in Vienna. In this capacity, did all Schirach's incoming mail go through you?

HOEPKEN: Not all of his mail, but the great majority of it. Mail stamped "only direct" and "personal" did not go through my hands.

DR. SAUTER: But the other mail?

HOEPKEN: That went through my office.

DR. SAUTER: Witness, we have here a number of documents which have been submitted to the Court. They are the activity and situation reports which the Chief of the Security Police made, I believe, monthly or weekly and which have been submitted to the Court under Number 3943-PS. These reports came from Vienna, and since you know the situation in the Central Bureau in Vienna and are well-informed about its activity, I will now hand you several of these documents. Please look at the documents and then tell us whether from these documents, which are photostat copies, you can determine whether these reports of the SS came to you or to the Defendant Von Schirach, or whether they went to a different office. I call your special attention to the manner in which these documents are annotated. Please note on the individual documents who initialed the document and what was done with the document after that. And then please tell us who these officials are who figure in the documents as officials of the Reich Defense Commission; for instance, a Dr. Fischer, *et cetera.*

Those are the documents, Mr. President, about which the Court asked questions the other day.

THE PRESIDENT: Yes, I know they are, but I do not know what the question is exactly. It seems to me there are a great number of questions. Well, let us get on, Dr. Sauter. We shall have to consider these documents, you know, and the witness ought to be able to give his answer.

DR. SAUTER: Yes, Mr. President. Of course, the witness has to look at the documents first. He must especially note which officials initialed the documents and what the officials did with them. That is what I must ask the witness, in order to ascertain what the documents . . .

THE PRESIDENT: I should have thought that he had seen these documents before.

DR. SAUTER: No; they were just handed over in cross-examination. I could not discuss them previously with the witness.

THE PRESIDENT: They were certainly handed over before this morning.

DR. SAUTER: Not to the witness—to me, yes.

THE PRESIDENT: Well, get on, Dr. Sauter, get on.

DR. SAUTER: Witness, what do these documents tell you? Did they come to the knowledge of the Defendant Von Schirach, or how were they dealt with?

HOEPKEN: These documents did not go through the Central Bureau. I see here that they are initialed by a Dr. Felber. I know him. He was the expert assigned to the Regierungspräsident in Vienna for all matters concerning the Reich Defense Commissioner.

From the treatment given these documents, I must assume that the Berlin SD agency sent them directly to the office of the Regierungspräsident, and from there they were entered into the files, as I see here. I do not see Von Schirach's initials here.

DR. SAUTER: The Regierungspräsident was a certain Dellbrügge?

HOEPKEN: Dr. Dellbrügge.

DR. SAUTER: And this Dr. Felber whom you mentioned was an official of the Regierungspräsident?

HOEPKEN: Yes, an official of the Regierungspräsident.

DR. SAUTER: And when such a document as you have there arrived, where did the post office or any other agency deliver it? Was it delivered to you or did the Regierungspräsident have his own office for incoming mail, or how was it?

HOEPKEN: I already said that they must have been sent directly to the office of the Regierungspräsident, who had his own office for incoming mail.

DR. SAUTER: How can you tell that the Defendant Von Schirach had no knowledge of these documents?

HOEPKEN: Because he did not initial these documents. If documents were submitted to him, they were initialed "z.K.g."—noted—"B.v.S.," and that does not appear on these documents.

THE PRESIDENT: Dr. Sauter, I do not think the Prosecution suggested that they were initialed by Von Schirach. It was quite clearly brought out in Von Schirach's evidence that he had not initialed them, and that fact was not challenged by Mr. Dodd.

DR. SAUTER: Mr. President, I believe it is a decisive point whether Defendant Von Schirach had any knowledge of these documents.

THE PRESIDENT: Why do you keep asking whether they were initialed by him or not? That fact, as I have pointed out, has already been proved and not challenged.

DR. SAUTER: Witness, I have here an additional collection of documents under Number 3876-PS. They are additional reports from the Chief of the Security Police. There is another address

on these. It says here, among other things: "To the Reich Defense Commissioner for the Defense District XVII"—that was Vienna—"for the attention of Oberregierungsrat Dr. Fischer in Vienna."

I am interested in knowing who Dr. Fischer was. Was he in the Central Bureau, or who was he?

HOEPKEN: I do not know a Dr. Fischer either in the Central Bureau or in the Reichsstatthalterei.

DR. SAUTER: Then how do you explain the fact that in these reports it always says, "To the Reich Defense Commissioner for the Defense District XVII, for the attention of Oberregierungsrat Dr. Fischer?"

HOEPKEN: I assume he was a colleague of Oberregierungsrat Dr. Felber, who specialized in these matters. Also I see they were secret letters, and were therefore addressed to him personally.

DR. SAUTER: As far as you know, did not the Regierungspräsident Dellbrügge report to the Defendant Von Schirach on these reports which reached him, or have one of his officials report about them?

HOEPKEN: The Regierungspräsident reported directly to Herr Von Schirach about matters concerning the Reich Governor and the Reich Defense Commissioner. I was not present at these conversations; consequently I cannot say to what extent he reported to Von Schirach on these matters.

DR. SAUTER: If the Regierungspräsident or one of his officials reported to the Defendant Von Schirach on these reports, would that be shown in the documents?

HOEPKEN: Probably yes. In that case the Regierungspräsident or the officials would have had to write on them "To be filed after being reported to the Reich Governor," or "for further action."

DR. SAUTER: On the documents which I submitted to you there is no such indication?

HOEPKEN: On these documents, no.

DR. SAUTER: And on the documents which I have here, there is no such note either. Do you conclude from this that the Defendant Von Schirach received no report on them?

HOEPKEN: I must conclude that Von Schirach was not informed on these matters.

DR. SAUTER: Witness, the Defendant Von Schirach was chief of the state administration in Vienna in his capacity as Reich Governor, as well as chief of the local administration to a certain extent as mayor, and finally chief of the Party as Gauleiter. Now, we hear that in each of these capacities he had a permanent representative.

I should like to know who normally administered the affairs of the Reich Defense Commissioner and the Reich Governor; that is, the affairs of the state administration?

HOEPKEN: I have already said that it was the Regierungspräsident, Dr. Dellbrügge.

DR. SAUTER: And then what did the Defendant Von Schirach do in the field of state administration?

HOEPKEN: He was given regular reports by the Regierungspräsident. Von Schirach then made his decision, and these decisions were then carried out by the officials or departments.

DR. SAUTER: If I understand you correctly, the Defendant Von Schirach concerned himself only with such matters as were reported to him by the Regierungspräsident or which were brought to his special attention in writing; is that true?

HOEPKEN: Yes, that is true.

DR. SAUTER: Witness, were you yourself a member of the SS?

HOEPKEN: No, I was never a member of the SS.

DR. SAUTER: Of the SA?

HOEPKEN: No.

DR. SAUTER: Do you know that these three permanent representatives, whom the Defendant Von Schirach had in Vienna, namely the Regierungspräsident, the Deputy Gauleiter, and the Mayor, were all three SS Führer?

HOEPKEN: Yes, I know that.

DR. SAUTER: How was that? Did the Defendant Von Schirach select these men himself, or how do you explain the fact that all three of his representatives were SS Führer?

HOEPKEN: The Deputy Gauleiter, Scharizer, was an honorary SS Führer and, as far as I recall, he was Oberbefehlsleiter of the Party. When Von Schirach came to Vienna, Scharizer had already been active for several years in Vienna.

DR. SAUTER: As what?

HOEPKEN: As Deputy Gauleiter. I do not know when the Regierungspräsident, Dr. Dellbrügge, came to Vienna; but I assume either before or at about the same time as Von Schirach. Moreover, the Regierungspräsidenten were appointed by the Ministry of the Interior, so that I think he could hardly have had sufficient influence to refuse or select a particular Regierungspräsident.

As for the mayor, the situation was similar.

DR. SAUTER: He was a certain Blaschke?

HOEPKEN: Yes. He was SS Brigadeführer Blaschke, he was also appointed by the Ministry of the Interior as acting mayor.

DR. SAUTER: By the Ministry of the Interior?

HOEPKEN: Yes.

DR. SAUTER: When was that?

HOEPKEN: I believe that was in 1944, in January or February of 1944.

DR. SAUTER: Do you know that this SS Brigadeführer, or whatever he was, this Blaschke, before the time of the Defendant Von Schirach, was active in Vienna as a town councillor, and I believe also as vice mayor?

HOEPKEN: He was a town councillor before; and I believe he was vice mayor before I came to Vienna.

DR. SAUTER: Do you know that the Defendant Von Schirach for a long time opposed this SS Oberführer or Brigadeführer Blaschke being appointed mayor of Vienna?

HOEPKEN: I should say he opposed this for about 6 or 9 months, and I believe later he refused to allow the Minister of the Interior finally to confirm his appointment as mayor.

DR. SAUTER: Witness, what were the relations between the Defendant Von Schirach and the SS and the SS officers? Were they especially friendly and cordial or what were they like?

HOEPKEN: As far as I know, Schirach associated with the SS Führer as far as was officially necessary and no more.

DR. SAUTER: Was he friendly with SS men?

HOEPKEN: No; I do not know. In any case I knew of no such friendship.

DR. SAUTER: Did he not express to you his attitude toward the SS?

HOEPKEN: I have already said that he always had the feeling that he was under a certain supervision from them and for that reason he was rather distrustful.

DR. SAUTER: Distrustful of . . .

HOEPKEN: Of the SS.

DR. SAUTER: Witness, do you know how the Defendant Von Schirach received his information about the foreign press and foreign press reports?

HOEPKEN: He received them from the Reich Propaganda Office in Vienna. They were excerpts which the Propaganda Ministry

issued in collaboration with the Reich Press Chief, Dr. Dietrich. As far as I know, however, they were selected and screened.

DR. SAUTER: Did you live for a long time with Von Schirach in Vienna?

HOEPKEN: From 1944 on I lived in Schirach's house.

DR. SAUTER: You also took your meals with him?

HOEPKEN: Yes, I also took meals with him.

DR. SAUTER: Did not the Defendant Von Schirach obtain information from the foreign radio?

HOEPKEN: No, I am almost certain he did not, because after every meal he listened to the official German news services with me and a few other co-workers. Besides, if he had done so it would in my opinion have become known very soon for, as I said already, he had the feeling that he was being watched.

THE PRESIDENT: Dr. Sauter, the witness can only tell us what he knows. How could he know whether Von Schirach ever listened to any foreign news? If he does not know, why do you not take him on to something else?

DR. SAUTER: The witness said, Mr. President, that during the latter part of his time in Vienna, from the spring of 1944 I believe he said, he lived in the house of the Defendant Von Schirach.

THE PRESIDENT: Yes, I know he said that, and he said that he did not think he heard foreign news. What more can he give? What more evidence can he give on that subject?

DR. SAUTER: I wanted to hear that, Mr. President.

THE PRESIDENT: But he said it already. I have taken it down. Why do you not go on to something else?

DR. SAUTER: Witness, do you know that in the last weeks of the resistance an order came to Vienna from Berlin according to which all defeatists, whether men or women, were to be hanged? What attitude did Schirach take toward this order?

HOEPKEN: I know that so-called courts martial were to be set up with the purpose of speedily sentencing people who objected to the conduct of the war or who showed themselves to be defeatists. This court martial was set up in Vienna, or rather appointed, but it did not meet once, and thus did not pronounce any sentences.

DR. SAUTER: Did the court-martial of the Defendant Von Schirach carry on any proceedings at all?

HOEPKEN: No, not to my knowledge.

DR. SAUTER: Do you know anything about it?

THE PRESIDENT: Dr. Sauter, that fact, again, was given in evidence by Von Schirach and was not cross-examined to—that that court martial did not meet.

DR. SAUTER: Witness, do you know anything about the fact that in the last weeks an order came to form *franc-tireur* units? What was Von Schirach's attitude to that?

HOEPKEN: I do not know that *franc-tireur* units were to be formed, but I do know that a "Freikorps Hitler" was to be formed. They were to be in civilian clothes. Schirach ordered that no people from the Reichsgau Vienna were to be assigned to this "Freikorps."

DR. SAUTER: Why not?

HOEPKEN: Because at that time he considered resistance senseless. Secondly, because he considered it contrary to international law.

DR. SAUTER: My last question to you, Witness. You were with Schirach to the last, until he left Vienna?

HOEPKEN: Yes.

DR. SAUTER: Did Schirach give an order to destroy bridges or churches, residential quarters, and so forth, in Vienna?

HOEPKEN: No, I do not know of that.

DR. SAUTER: What was the position he took?

HOEPKEN: That orders to blow up bridges or to take any defense measures were given only by the military authorities, as far as I know.

DR. SAUTER: But not by Schirach?

HOEPKEN: No.

DR. SAUTER: Mr. President, I have no more questions to put to this witness.

THE PRESIDENT: Does any other defendant's counsel want to ask questions? The Prosecution?

MR. DODD: Witness, would you see all of the files that were in Von Schirach's office during the time that you were his adjutant?

HOEPKEN: I have already told you, or I told the defense counsel, that most of the mail went through the Central Bureau.

MR. DODD: I want to show you a document that is in evidence here and ask you if you can tell us whether or not you have seen this before.

[A document was handed to the witness.]

Have you ever seen that document before?

HOEPKEN: I do not know this document officially, as I see it is dated 28 May 1942, at which time I was an officer in the Luftwaffe.

MR. DODD: I see, you did not mean the Tribunal to understand that you were familiar with everything that was in Von Schirach's files, because certainly this document was there during the years that you were his adjutant. You never saw it. It is marked "Central Bureau," and you had charge of these very files, yet you never saw this teletype to Bormann? So you certainly did not know everything that was in his files, did you?

HOEPKEN: I said that the majority of the mail went through my offices but, of course, since I was not in Vienna at this time but only came to Vienna in April 1943, I was not able to look through all the back documents and letters in the files of the Reich Governor. That would have taken years.

MR. DODD: Let me ask you something else. You were there in the last days, I assume, when the city was taken by the Allied Forces, were you not?

HOEPKEN: I was in Vienna until April 1945.

MR. DODD: What was done with Von Schirach's files when the end was very obviously coming? What did you do with all those files over which you had control?

HOEPKEN: I was not in charge of any files. I was chief of the bureau, and I...

MR. DODD: Well, you know what I mean—chief of the bureau or of the office where these files were kept. What I want to know is what did you do with the files?

HOEPKEN: I gave no orders in this connection.

MR. DODD: Do you know what became of the files?

HOEPKEN: No, I do not.

MR. DODD: They were taken out of the office sometime before the city was captured; do you not know that?

HOEPKEN: No, I did not know that.

MR. DODD: Were the files there the last day that you were there?

HOEPKEN: Probably, yes.

MR. DODD: I do not want a "probably." I want to know if you know and if you do, to tell us. Were they there or not the last day that you were in the office?

HOEPKEN: I gave no orders to destroy them or to remove them.

MR. DODD: I did not ask you if you gave orders. I asked you if you know what became of them and whether or not they were in the office the last day that you were there?

HOEPKEN: I do not know what happened to them. Nor can I say whether they were still there on the last day.

MR. DODD: Do you not know that they were all moved to a salt mine in Austria?

HOEPKEN: No, I do not know that.

MR. DODD: You have never heard that, or that they were taken out of the office and were later found by the Allied Forces in a salt mine?

HOEPKEN: No, I do not know that.

MR. DODD: I do not mean that you heard they were found there, but you certainly knew that they were taken out of the office?

HOEPKEN: No, I do not know. I also gave no orders.

MR. DODD: Well, now, let me put this proposition to you, and then perhaps you can give an explanation of it to the Tribunal. This document that I have just shown to you and these reports that you examined for Dr. Sauter were all found in Schirach's files in a salt mine. Would you have any explanation for that?

HOEPKEN: No, I cannot explain that.

MR. DODD: They were found together. Would that mean anything to you, or would you have any explanation for it?

HOEPKEN: No, I have not. I can only explain that by saying that probably the Chief of the Reich Governor's office or one of his officials who was in charge of these things gave the order to that effect, of course without my knowledge and without any order from me.

MR. DODD: Tell the Tribunal exactly what day you closed up your office in Vienna, or the last day that you were in this office.

HOEPKEN: It might have been the 3d or 4th of April.

MR. DODD: When was the city taken?

HOEPKEN: I read in the newspaper afterwards that the city finally fell into the hands of the Allies on 13 April.

MR. DODD: Did you all leave your office on the 3d or 4th of April? Did Von Schirach leave as well, and all the clerical staff, *et cetera*?

HOEPKEN: Schirach and I and his adjutant left the office on this day, or rather, Schirach had previously set up his office at his home and was working there.

MR. DODD: Had he taken any files from his office to his home?

HOEPKEN: Only what he needed immediately to carry on his business; that is, the matters which were being dealt with at the moment.

MR. DODD: Did you leave someone in charge of the files when you left there, you and Von Schirach on the 3d of April; and if you did, who was it that you left in charge?

HOEPKEN: I did not leave anyone to supervise. The file clerks did that of their own accord.

MR. DODD: I am trying to understand—and I think it would be helpful to the Tribunal—whether or not you just walked out of this office and left everything there, or whether just you and Von Schirach left and left other people there, or whether the place was in such chaos that nobody remained. I have not any accurate picture of it, and I think it is of some importance. You ought to be able to tell us. You left there with him. What was the situation on the 3d or 4th of April? The city was practically to be taken in another 10 days. It was under siege. There was much confusion. What were you doing about your files and all of your other papers in your office when you walked out of there that day? You certainly just did not walk out and not give some directions.

HOEPKEN: I believe that we are not clear about the character of the Central Bureau. The Central Bureau, of which I was in charge for the last few months, had no powers, no executive powers, but all of these things were done by the competent Reich Governor, that is, the Regierungspräsident, and he probably . . .

MR. DODD: I do not need any explanation of how your office was set up. I want to know if the papers were left there or not, or if anybody was left with them.

HOEPKEN: The papers, as far as I know, were left there, and the archivists were instructed to take care of them.

MR. DODD: Did you order any papers to be destroyed before you walked out that day, the 3d or 4th of April, anything at all?

HOEPKEN: I gave no orders to destroy anything in the Reich Governor's Office; I had no authority to do that.

MR. DODD: Did anybody to your knowledge order anything destroyed, whether you did or not?

HOEPKEN: Whether such an order was given and who gave it, I do not know.

MR. DODD: I have no further questions.

THE PRESIDENT: What is the document you put to him?

MR. DODD: Number USA-865. It is Document 3877-PS, a teletype to Bormann from Von Schirach on 28 May 1942.

THE PRESIDENT: Do you want to re-examine the witness, Dr. Sauter?

DR. SAUTER: Witness, I should like to go back to what the Prosecution just asked you.

The documents of the Reich Governor's office apparently are supposed to have been found in a salt mine. Did you have any supervision over the documents of the Reich Governor's office?

HOEPKEN: No, I had no supervision over these documents. I just explained that. For that reason, I could not give any order to remove them. I know that valuable objects, pictures, and so on, were removed, but much earlier.

DR. SAUTER: And the other employees of the Central Bureau, were they Viennese? Did they stay in the office, or what do you know about that?

HOEPKEN: Most of them were Viennese, of course, and probably remained behind. I shook hands and said goodbye to them, and then we separated. I also asked whether I could do anything for them, and then I left Vienna.

DR. SAUTER: I have no more questions, Mr. President.

THE PRESIDENT: The witness can retire.

Perhaps we had better adjourn now.

[A recess was taken.]

THE PRESIDENT: With reference to the application on behalf of the Defendant Bormann the Tribunal allows witness Number 1, Miss Else Krüger.

The Tribunal allows witnesses Numbers 3 and 4, Dr. Klopfer and Helmuth Friedrich.

The Tribunal also allows the witness whose name I have got inserted instead of Number 2, Christians, I think it was.

With reference to the documents applied for, Numbers 1 to 7, the application is refused. But the Tribunal will consider any application for documents which the defendants' counsel, who may be appointed to argue the general questions of law on behalf of all the defendants, may wish to have translated.

Document Number 11 may be translated.

Counsel for the Defendant Bormann may see the documents which are mentioned under Roman Number III in the application

and counsel for the Defendant Bormann may also use the documents contained under heading "B."

The final decision upon the admissibility of all these documents is, of course, a matter which will be decided at the time the documents are presented.

There is one other thing that I want to announce, and it is in answer to the application of Dr. Servatius on behalf of the Defendant Sauckel.

I am told that the witness Timm is in Nuremberg prison. The witness Biedemann is also in Nuremberg prison. The witness Hildebrandt will probably arrive in Nuremberg today. His whereabouts had been lost and he has only just been rediscovered. The witness Jäger is in the British zone, and the British secretary is trying through the military authorities to obtain his attendance. The witness Stothfang has not been located. There appears to be a mistake in the identity of the person who was reported to the General Secretary previously. The witness Mitschke has never been located, although every effort is now being made to locate him.

That is all.

DR. SAUTER: I ask permission to call a further witness, Fritz Wieshofer. I shall examine this witness only very briefly, because most points have already been clarified through the other witnesses.

[The witness Wieshofer took the stand.]

THE PRESIDENT: Will you state your full name?

FRITZ WIESHOFER (Witness): Fritz Wieshofer.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SAUTER: Herr Wieshofer, how old are you?

WIESHOFER: 31 years old.

DR. SAUTER: Married?

WIESHOFER: Yes.

DR. SAUTER: Children?

WIESHOFER: One son.

DR. SAUTER: Were you a member of the Party?

WIESHOFER: I applied for membership in 1938.

DR. SAUTER: You only applied for membership?

WIESHOFER: Yes.

DR. SAUTER: Were you a member of the SS or the SA?

WIESHOFER: I was in the Waffen-SS.

DR. SAUTER: Since when?

WIESHOFER: Since June 1940.

DR. SAUTER: Are you Austrian by birth?

WIESHOFER: I am Austrian.

DR. SAUTER: When did you join the Reich Youth Leader's Office?

WIESHOFER: I joined Herr Von Schirach on 3 October 1940.

DR. SAUTER: And what did you do before that?

WIESHOFER: Before that I had a temporary post in the Foreign Office.

DR. SAUTER: For how long?

WIESHOFER: Only from May until October 1940.

DR. SAUTER: And before that?

WIESHOFER: Before that I was employed in the Gauleiter's office in Carinthia.

DR. SAUTER: Did you have anything to do with the Hitler Youth?

WIESHOFER: No.

DR. SAUTER: In October of 1940, then, you came to Vienna to join Von Schirach?

WIESHOFER: Yes, to Vienna.

DR. SAUTER: In what capacity did you go there?

WIESHOFER: I went there as Von Schirach's adjutant.

DR. SAUTER: And what did your duties mostly consist of?

WIESHOFER: As adjutant I was responsible for the handling of the mail, engagements for conferences, seeing to it that files were presented on time at conferences, travel arrangements, and so on.

DR. SAUTER: Did you only work for Schirach in his capacity as Reich Governor, as Gauleiter, or did you act for him only as mayor?

WIESHOFER: I was adjutant for Herr Von Schirach in all his capacities.

DR. SAUTER: Did you also have access to the secret files?

WIESHOFER: Yes.

DR. SAUTER: Witness, I shall only have a very few brief questions to put to you. First of all, I am interested in this: Who was responsible for the forced evacuation of Jews from Vienna?

WIESHOFER: The forced evacuation of Jews from Vienna, as far as I know, was handled by the RSHA. The representative in Vienna was a certain Dr. Brunner, an Obersturmführer in the SS.

DR. SAUTER: Did you often visit Dr. Brunner officially in connection with the forced evacuation of Jews, and for what reason?

WIESHOFER: In some cases, Jews who were affected by this forced evacuation made written applications to Von Schirach to be left out of the transport. In such cases, Von Schirach, through the Chief of his Central Bureau, took the matter up with Dr. Brunner's office and asked that the request of the applicant be granted. I would say that generally this was done by the Chief of the Central Bureau. I remember two cases where I myself received instructions to intervene with Dr. Brunner, not by writing or telephoning, but by going to see him personally.

DR. SAUTER: And what did this SS Sturmführer Dr. Brunner tell you about what was actually going to happen to the Jews when they were taken away from Vienna?

WIESHOFER: Dr. Brunner only told me, on the occasion of one of these interventions, that the action of resettling the Jews would be a resettlement from the district of Vienna into the zone of the former Government General. He also told me in what way this was being carried out. For instance he said that women and small children would travel in second-class carriages; that sufficient rations for the journey and milk for small children would be provided. He also told me that these resettled persons, upon arrival at their destination, insofar as they were capable of working, would immediately be put to work. First of all, they would be put into assembly camps, but that as soon as accommodation was available, they would be given homes, *et cetera.* He also told me that because of the numerous interventions by Herr Von Schirach his work had been made very difficult.

DR. SAUTER: Did you, or have you—I will put my next question this way: Did you ever see an order in which Gauleiter were forbidden to intervene in any way on behalf of Jews, and did you discuss that order with Von Schirach?

WIESHOFER: I recollect a written order which we received either at the end of 1940 or at the beginning of 1941. It stated that "There are reasons which make it necessary once more to point out," *et cetera.* It obviously was a repetition of an order which had already been given. The purport of the order was that because of certain reasons, Gauleiter were prohibited from intervening on behalf of Jews in the future.

DR. SAUTER: Did you talk about that with Schirach?

WIESHOFER: I talked to Herr Von Schirach about it.

DR. SAUTER: What did he say?

WIESHOFER: As far as I can recollect, Von Schirach wrote on the order "To be filed." He did not say anything more about it.

DR. SAUTER: I have another question, Witness. The Defendant Von Schirach was once in the concentration camp at Mauthausen. Can you tell us when that was?

WIESHOFER: I cannot tell you that exactly. All I can say on that subject is that when I came back from the front—and this was either in the autumn of 1942 or in June 1943—the adjutant who was on duty at the time told me that he had accompanied Herr Von Schirach to a concentration camp, Mauthausen Camp. Some time afterwards—it must have been when I came back from the front the second time, at the end of 1943—Herr Von Schirach also told me that he had been to Mauthausen. I only recollect that he said that he had heard a symphony concert there.

DR. SAUTER: Well, we are not interested in that; we have heard that. I am only interested in one thing: Did he visit Mauthausen or another concentration camp again later on? Can you give us reliable information on that or not?

WIESHOFER: I can give you reliable information on that. That is quite out of the question, because from November 1943 until the collapse I was continuously on duty and I knew where Von Schirach was, day and night.

DR. SAUTER: Did he go to Mauthausen again in 1944?

WIESHOFER: No, certainly not, that is out of the question.

DR. SAUTER: Witness, you remember that toward the end of the war there were orders coming from some source or other stating that enemy airmen who had been forced to land were no longer to be protected. Do you know of that?

WIESHOFER: Yes.

DR. SAUTER: That somewhere such orders were issued?

WIESHOFER: Yes.

DR. SAUTER: What was the attitude of Defendant Von Schirach regarding such orders, and how do you know about it?

WIESHOFER: I talked about these orders with Herr Von Schirach. Von Schirach was always against the idea contained in the order, and he always said that these airmen, too, should be treated as prisoners of war. Once he said: "If we do not do that, then there is the danger that our enemies, too, will treat their prisoners, that is Germans, in the same manner."

DR. SAUTER: Do you yourself know of cases where Defendant Von Schirach actually intervened on behalf of enemy airmen in that way?

WIESHOFER: Yes.

DR. SAUTER: Will you please tell us about it?

WIESHOFER: During one of the last air attacks on Vienna, in March 1945, an American plane was shot down and crashed near the headquarters of the Gau command post. That command post was on a wooded hill in Vienna to which part of the population used to go during air attacks. Von Schirach was watching from a 32-meter high iron structure on which he would always stand during air attacks, and he observed that a member of the American crew bailed out of the aircraft. He immediately ordered the commander in charge of this command post to drive to the place of the landing so as to protect the American soldier against the crowd and bring him to safety. The American soldier was brought to the command post and after the air attack he was handed over to the Air Force Command XVII as a prisoner of war.

DR. SAUTER: When did you leave Vienna?

WIESHOFER: I left Vienna with Herr Von Schirach on 13 April 1945.

DR. SAUTER: On 13 April together with the Defendant Von Schirach?

WIESHOFER: Together with Herr Von Schirach.

DR. SAUTER: Now, this is the last question I have to put to you: Witness, have you ever heard from Schirach's lips anything to the effect that Vienna was to be held "to the last man" at all costs, or that destruction should be carried out in Vienna?

WIESHOFER: I have never heard him say either the one or the other.

DR. SAUTER: Mr. President, I have no further questions to put this witness.

DR. SERVATIUS: Witness, do you know the Prater in Vienna?

WIESHOFER: Yes, of course, I am Viennese.

DR. SERVATIUS: What sort of an institution is that?

WIESHOFER: The Prater is, or at least was, a pleasure park.

DR. SERVATIUS: Was it closed during the war?

WIESHOFER: The Prater was not closed during the war.

DR. SERVATIUS: What sort of people used to go there?

WIESHOFER: During the war you mean?

DR. SERVATIUS: Yes.

WIESHOFER: Workers, employees, civil servants, that is the Viennese, the whole of Vienna.

DR. SERVATIUS: Did you also see foreign workers there?

WIESHOFER: Yes.

DR. SERVATIUS: A great many or just a few?

WIESHOFER: The situation in Vienna was such that we used to say that if you wanted to go to the Prater then you would have to be able to speak French and Russian, because with Viennese alone you could not get along. The Prater was overcrowded with foreign workers.

DR. SERVATIUS: How were these foreigners dressed, badly or well?

WIESHOFER: These foreigners were well dressed, so that you could not distinguish them from the population. Only when they talked could you recognize that they were foreigners.

DR. SERVATIUS: How did they look otherwise? As regards food, did they look starved?

WIESHOFER: As far as I myself could see, the workers looked perfectly well fed.

DR. SERVATIUS: Did the people have money?

WIESHOFER: They had lots of money. It was known that the "black market" in Vienna was almost entirely dominated by foreign workers.

DR. SERVATIUS: Could foreigners be seen only in the Prater or were they to be seen everywhere in the town?

WIESHOFER: Not only in the Prater, but also in the rest of the town, in cafes, of which there are so many in Vienna, in restaurants, and in hotels.

DR. SERVATIUS: I have no further questions.

MR. DODD: Whom, besides the Defendant Von Schirach, do you know of these defendants? And by "know" I mean know personally, or have some acquaintanceship with the person, or had something to do with the person?

WIESHOFER: Personally, I only know Herr Funk.

MR. DODD: Do you know Sauckel?

WIESHOFER: Yes.

MR. DODD: Well, who else?

WIESHOFER: I know Herr Seyss-Inquart, but I did not have any personal dealings with him. I was the adjutant of Von Schirach.

MR. DODD: How do you know Funk?

WIESHOFER: I was invited by Herr Funk a few times. Officially, as adjutant of Herr Von Schirach, I had some dealings with him, and apart from that, he invited me several times privately.

MR. DODD: Were you in the SS at that time, when you were invited by Funk?

WIESHOFER: At that time I was in the Waffen-SS as an officer.

MR. DODD: By the way, when did you first join the SS?

WIESHOFER: I joined the Waffen-SS on 26 June 1940.

MR. DODD: Were you in any other branch of the SS besides the Waffen-SS?

WIESHOFER: I was also in the General SS.

MR. DODD: When did you join the General SS?

WIESHOFER: In June or July 1939.

MR. DODD: So you were actually in the SS from as far back as 1939?

WIESHOFER: In the General SS; yes.

MR. DODD: Now, you also became an SS Obersturmführer at one time, did you not?

WIESHOFER: Yes.

MR. DODD: When was that?

WIESHOFER: I became Obersturmführer about 21 June 1944.

MR. DODD: When did you join the SA?

WIESHOFER: I joined the SA on 9 May 1932.

MR. DODD: Did you know the Strasshof Camp, S-t-r-a-s-s-h-o-f?

WIESHOFER: This is the first time I have heard that name.

MR. DODD: Well, it may have been mispronounced. It was a camp located outside Vienna.

WIESHOFER: I do not know which camp you mean. I understood Strasshof. I do not know of any such camp.

MR. DODD: Yes, something like that. You never heard of that camp?

WIESHOFER: Never.

MR. DODD: And you were in Vienna from what year?—19 . . .?

WIESHOFER: I was born in Vienna.

MR. DODD: Well, I know you were, but I am talking about your service with the Defendant Schirach. You were there with him for how long?

WIESHOFER: From the beginning of October 1940.

MR. DODD: And you never heard of Strasshof?

WIESHOFER: No.

MR. DODD: Did you have much to do with the files of this Defendant Von Schirach?

WIESHOFER: Yes.

MR. DODD: What would you say you had to do with them? What was your responsibility?

WIESHOFER: I merely had to see to it that files were presented in good time for the conference, and that after they had been used they were returned to the Central Bureau.

MR. DODD: Where would you go to get a file for Von Schirach that had to do with the Reich Defense Commission for that district or that defense district? Where would you go to get a file that had to do with matters concerning the Reich Defense Commission? Now, let us assume a situation—let me make it clear to you. Say that Von Schirach tells you he wants a file about a certain matter that has to do with the Reich Defense Commission. You had to have it on his desk by a certain hour and see that it was there, as you say. Tell the Tribunal just what you would do, where you would go, who you would talk to, and how you would get that for him.

WIESHOFER: That would be simple for me. I would apply to the Chief of the Central Bureau, knowing that he would probably have to go to the Regierungspräsident to obtain that file. That is what I assume. I myself would only have gone to the Central Bureau.

MR. DODD: You had a central filing place, did you not, for all of your files, whether they were under the Reich Defense Commission or the Gauleiter or the civil government of Vienna; is that not so? They were all kept in one place?

WIESHOFER: They were not all together in one place; only a part of the files were in the Central Bureau. I cannot tell you which part because I have never had anything to do with that.

MR. DODD: You left Vienna on 13 April, you say, with Von Schirach?

WIESHOFER: Yes.

MR. DODD: I suppose, as his adjutant, you had to make considerable preparations for leaving for some days previously, did you not?

WIESHOFER: Yes.

MR. DODD: What did you pack up? What did you take with you?

WIESHOFER: We did not take anything with us from Vienna. Von Schirach went by car, and the gentlemen on his staff went in two or three other cars. Nothing else was taken along from Vienna.

MR. DODD: Well, what did you do in the office; how did you leave it?

WIESHOFER: We had not used the office since, I think, the spring or early summer of 1944, because the "Ballhausplatz," that is, the office of the Reich Governor, had a direct hit and Von Schirach could no longer work there. He was working in his apartment.

MR. DODD: In his apartment? And did he have all his files in his apartment or somewhere near at hand?

WIESHOFER: He had no files whatever in his apartment. They remained in the office, in that part of the Reich Governor's building which was still being used and in which one could still work.

MR. DODD: Were any files taken out of the filing department of the Reich Governor's Office when you left Vienna, or before you left Vienna?

WIESHOFER: I do not know anything about that. I know that an order existed, both for the State Administration as well as for the Party, that files must be destroyed when the enemy approached. Whether that was done or what actually happened to the files, I do not know.

MR. DODD: Who got that order?

WIESHOFER: The order, as far as the Party channels were concerned, went to the deputy Gauleiter, and as far as the State Administration was concerned, to the Regierungspräsident.

MR. DODD: Did you also receive an order to start moving your files to places of safety some time in the spring of 1945 or even the late winter of 1944?

WIESHOFER: I have no recollection of such an order.

MR. DODD: Do you know that some 250 folders of your files were moved to a salt mine outside Vienna? Do you know anything about that?

WIESHOFER: No, I hear that for the first time.

MR. DODD: Do you know that there is such a mine near Vienna? You have lived there quite a while, I gather.

WIESHOFER: No. It is not near Vienna—if I may be permitted to put this matter right—but near Salzburg; we never lived there. I only know that this mine exists.

MR. DODD: How far is it from Vienna?

WIESHOFER: Approximately 350 kilometers.

MR. DODD: You do not know anything about any files being taken there. You are sure about that, are you?

WIESHOFER: I am absolutely certain; I do not know anything about that.

MR. DODD: I have just one other question to ask. I suppose you knew the defendant pretty well. He is a little older than you, but you had worked for him for some time. Is that not so?

WIESHOFER: Yes.

MR. DODD: Why did you not join the Army instead of the SS when you wanted to do something for your country?

WIESHOFER: When I was called up, the Waffen-SS was considered the elite unit and I preferred to serve in such a guards unit, if I may say so, than in the general Armed Forces.

MR. DODD: Was it partly due to the fact that you had been in the General SS since 1939?

WIESHOFER: No. That had nothing to do with it. Many members of the General SS went to the Forces.

MR. DODD: Did you talk this matter over with your superior, the Youth Leader Von Schirach, before you joined the SS in 1939, and the Waffen-SS later on?

WIESHOFER: No. Might I remind you that I did not join Von Schirach until October 1940, whereas I joined the Waffen-SS on 26 June 1940.

MR. DODD: Yes, but you were, I suppose, a young man and you were in touch with the Reich Youth organization in 1939 when you joined the General SS. Is that not a fact? Were you not a part of the Youth organization in 1939?

WIESHOFER: No. I was not taken into the Youth Officers Corps until April 1944 when I became Bannführer. Before that I had nothing to do with it.

MR. DODD: Well, I do not think you understand me. It is not too important, but how old were you in 1939? You were 24, approximately, were you not?

WIESHOFER: Yes.

MR. DODD: And were you not then in some way affiliated with the Hitler Youth or the Youth organization in Germany, either as a member, or having something to do with it?

WIESHOFER: No. Neither as a member nor in any other way. Of course I knew Youth Leaders in Carinthia, yes.

MR. DODD: You were quite a speech maker for the Party, were you not, during your lifetime?

WIESHOFER: I spoke at several meetings in Carinthia between April 1938 and May 1940.

MR. DODD: At about how many meetings would you say you spoke in that period of 2 years?

WIESHOFER: During that time I spoke at about 80 meetings.

MR. DODD: Before an average of about, say, 3,000 persons per meeting?

WIESHOFER: I also spoke in very small villages. I would say that the average attendance would be about 200.

MR. DODD: That is all I have.

THE PRESIDENT: Do you want to re-examine?

DR. THOMA: What were the subjects you talked about at these meetings?

WIESHOFER: Our subject was given to us by the Reich Propaganda Ministry. The meetings were conducted in such a way that every speaker was able to talk on general matters. For instance the subject might have been "With the Führer to Final Victory," or "Why Welfare for the Nation?" or "Why Winter Relief?" Such subjects were always given.

DR. THOMA: Did you spread Rosenberg's *Myth of the 20th Century?*

WIESHOFER: No.

DR. THOMA: Did you speak about such subjects?

WIESHOFER: Never; in view of my education I would not have been in a position to do so.

DR. THOMA: Have you ever read this *Myth*?

WIESHOFER: I have not read the *Myth.*

DR. THOMA: Did you speak to youth at these meetings?

WIESHOFER: I did not speak to youth—that is, not particularly to youth.

DR. THOMA: Thank you.

DR. SAUTER: Mr. President, I do not wish to put any questions to the witness; thank you very much.

THE TRIBUNAL (Mr. Biddle): Witness, did Schirach have any authority to intervene in case of Jews who were being deported from Vienna?

WIESHOFER: He had no authority to do so, but he did it.

THE TRIBUNAL (Mr. Biddle): How many times did he intervene?

WIESHOFER: I cannot recollect a single case where Von Schirach did not intervene when he received a petition.

THE TRIBUNAL (Mr. Biddle): I did not ask that; I asked how many times he intervened.

WIESHOFER: I cannot give you any figure without being inaccurate. It is difficult to say.

THE TRIBUNAL (Mr. Biddle): Did he intervene many times, or a few?

WIESHOFER: No. He intervened often.

THE TRIBUNAL (Mr. Biddle): Did you see the order to the Police not to protect aviators? You said it was in writing, did you not?

WIESHOFER: Yes.

THE TRIBUNAL (Mr. Biddle): Who signed it?

WIESHOFER: The order was signed by Bormann.

THE TRIBUNAL (Mr. Biddle): And was it distributed to the Police in Vienna?

WIESHOFER: By the Police? If I have understood you rightly, you were talking about the order that Gauleiter must not intervene on behalf of Jews.

THE TRIBUNAL (Mr. Biddle): No. This was the order about not protecting aviators who had crashed. You said you saw that order, did you not?

WIESHOFER: I did see the order, yes. I can no longer remember whom it came from and to whom it was addressed. It was merely sent to our office for our information. We were not called upon to take any action.

THE TRIBUNAL (Mr. Biddle): Do you not know whether or not the Police had a copy of it?

WIESHOFER: Please, will you be good enough to repeat the question?

THE TRIBUNAL (Mr. Biddle): Do you know whether or not the Police in Vienna had copies of the order?

WIESHOFER: That I do not know.

THE TRIBUNAL (Mr. Biddle): Did you ever know Himmler?

WIESHOFER: I have seen him.

THE TRIBUNAL (Mr. Biddle): Did he give you any instructions?

WIESHOFER: No.

THE TRIBUNAL (Mr. Biddle): Did you get any instructions from the SS?

WIESHOFER: In which way do you mean?

THE TRIBUNAL (Mr. Biddle): Any instructions from the SS directly when you were in Von Schirach's office?

WIESHOFER: No.

THE TRIBUNAL (Mr. Biddle): None at all?

WIESHOFER: None at all. I cannot recollect any.

THE TRIBUNAL (Mr. Biddle): I think you said once that Schirach sent a command to save American aviators from the crowd, did you not? Do you not understand?

WIESHOFER: Yes, I understand, and I did say that.

THE TRIBUNAL (Mr. Biddle): And what other efforts did Von Schirach make to protect aviators from the crowd? Did he make any other efforts?

WIESHOFER: Yes.

THE TRIBUNAL (Mr. Biddle): Did he issue any orders to the Police or take it up with the Police?

WIESHOFER: Von Schirach's opinion was known. In the circles . . .

THE TRIBUNAL (Mr. Biddle): I did not ask you the opinion. Did he issue any orders to the Police or talk to the Police?

WIESHOFER: I have no recollection of that.

THE TRIBUNAL (Mr. Biddle): Well, you would know if he had, would you not?

WIESHOFER: If I had been present when he gave the orders then I would know it, but it is possible that he talked when I was not there.

THE TRIBUNAL (Mr. Biddle): Did you say you had access to the secret files?

WIESHOFER: Yes.

THE TRIBUNAL (Mr. Biddle): What was kept in the secret files?

WIESHOFER: I did not understand the question.

THE TRIBUNAL (Mr. Biddle): I asked you what was kept, what was put in the secret files, what sort of papers?

WIESHOFER: There were secret files which came from the Supreme Party Headquarters, secret files which came from the Minister of the Interior; there were things which made one wonder why they were called "secret." But as far as details of these files are concerned, I cannot, of course, today remember them.

THE TRIBUNAL (Mr. Biddle): And I suppose any documents, any reports, that were marked "secret" would be put in those secret files, would they not?

WIESHOFER: Reports from us to higher departments, or do you mean from the top downwards?

THE TRIBUNAL (Mr. Biddle): Reports coming in to you.

WIESHOFER: They would then have been filed in the secret archives.

THE TRIBUNAL (Mr. Biddle): And SS secret reports would go in the secret files, would they not?

WIESHOFER: SS reports did not come to us, because we were not a service department of the SS.

THE PRESIDENT: If you have no questions yourself, Dr. Sauter, then the witness may retire.

DR. SAUTER: No.

[The witness Wieshofer left the stand.]

DR. SAUTER: Mr. President, in Schirach's document book there are still a few documents which, up to now, have not been expressly presented; but I believe it is not necessary to read these documents to you. To save time, I should like, if I may, to refer to the documents and ask you to take judicial notice of them; for instance, of the affidavit of Frau Hoepken, which is incorporated in the document book under Number 3 and which has already been submitted somewhere else.

There is only one document, Mr. President, about which I want to give a very brief explanation. In the Schirach document book, under Number 118(a), there is the farewell letter of the explorer Dr. Colin Ross. With reference to this Dr. Colin Ross, when the documents were dealt with, the Prosecutor said that the body of Dr. Ross had not been discovered. My first reaction was of course surprise, and I made inquiries as to what actually had been done with these bodies and I discovered that in fact on 30 April 1945, the day before the arrival of American troops, the bodies of Dr. Colin Ross and his wife were found in the house of Defendant Von Schirach at Urfeld, on Lake Walchen. They had both first taken poison and then, to be quite sure, Dr. Ross shot his wife and then himself. German soldiers who were still at Urfeld on Lake Walchen as patients at the time then buried the bodies quite close to the house of the Defendant Von Schirach.

In the autumn the American Governor ordered that the bodies were to be transferred to the cemetery, but eventually he rescinded that order and permitted the bodies to remain where they had originally been buried.

THE PRESIDENT: Dr. Sauter, can you indicate in what way you will submit this document has any relevance at all? We have

read the document. It does not appear to have any striking relevance.

DR. SAUTER: Mr. President, we have submitted this document because it is to prove, or at least indicate, that the Defendant Von Schirach, together with this Dr. Colin Ross, continuously worked to maintain peace, and later on to limit the war. Therefore it is submitted only to show that the Defendant Von Schirach worked for peace.

THE PRESIDENT: The document does not mention Von Schirach or in any way indicate that he had worked for peace.

DR. SAUTER: But it says in the document, "We have done everything in our power to prevent this war, or . . ."

THE PRESIDENT: Dr. Sauter, the word "We" must mean the people who "leave this world by our own will," namely Dr. Colin Ross and his wife. It does not refer to Von Schirach.

DR. SAUTER: We do not know that. Why should it not also refer to Von Schirach?

THE PRESIDENT: Well, because there is such a thing as grammar. The document begins "We leave this world by our own will."

DR. SAUTER: As to that, Mr. President, may I remind you that this name, Dr. Colin Ross, has been mentioned very often during this trial in connection with the peace efforts of the Defendant Von Schirach, and that Dr. Colin Ross, together with his wife, was living in Schirach's apartment when they committed suicide.

THE PRESIDENT: Well, very well, Dr. Sauter, if you wish to draw our attention to it, you may do so.

DR. SAUTER: Thank you. Mr. President, this letter was not really meant for the public; the original of the letter was left behind by Dr. Ross, and a number of carbon copies were sent to personal friends. In this way we found this letter of Dr. Colin Ross. I do not think there is anything else I have to say.

THE PRESIDENT: I have not said anything critical of the letter. If you want to read some sentences of it, read them; if you do not we will take judicial notice of it. As I tell you, we have already read this letter.

DR. SAUTER: Yes.

THE PRESIDENT: I am not stopping your reading a sentence of it, if you want to read a sentence of it.

DR. SAUTER: It is of course not necessary, Mr. President, if you have taken cognizance of it. I have nothing else to say, and at this point I can end my case for the Defendant Von Schirach.

THE PRESIDENT: Dr. Sauter, have you offered in evidence all the documents which are in these books?

DR. SAUTER: Yes.

THE PRESIDENT: Then they will be numbered with the numbers which are in the books.

DR. SAUTER: Yes.

THE PRESIDENT: Very well, then we will take judicial notice of them all.

MR. DODD: Well, Mr. President, there is one here which the Tribunal expressly ruled on—the affidavit of Uiberreither. The Defendant Von Schirach was told he would have to present Uiberreither if he were to use this affidavit. He has not been presented here and now the affidavit is being offered. We expressly asked that he be called here if this affidavit was to be submitted to the Tribunal.

DR. SAUTER: I am not making any reference to Uiberreither's affidavit, and I will forego calling the witness Uiberreither.

THE PRESIDENT: Very well, Dr. Sauter.

MR. DODD: Then the affidavit is not offered?

THE PRESIDENT: No, it is not being offered.

MR. DODD: That is Page 135.

THE PRESIDENT: Then it will not be admitted, and we will adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

MR. DODD: Mr. President, during the presentation of the case involving the Defendant Funk, there was a number of documents that we did not submit in evidence at the time; and I asked the Tribunal's permission to do so at a later time. I am prepared to do so now if the Tribunal would care to have me.

THE PRESIDENT: Yes, I think it would be quite convenient now.

MR. DODD: Very well, Sir.

The first one is a matter of clarifying the record with respect to it. It is Document 2828-PS. It has already been offered in evidence as Exhibit USA-654. But the excerpt, or the extract, which was read will be found on Page 105 of the document. We cited another page, which was in error. Reference to this Document USA-654 will be found on Page 9071 (Volume XIII, Page 141) of the record.

We also offered our Document EC-440, which consisted of a statement made by the Defendant Funk, and we quoted a sentence from Page 4 of that document. I wish to offer that as Exhibit USA-874.

Then Document 3952-PS was an interrogation of the Defendant Funk dated 19 October 1945. We wish to offer that as USA-875.

I might remind the Tribunal that the excerpt quoted from that interrogation had to do with the statement made by Funk that the Defendant Hess had notified him of the impending attack on the Soviet Union. That excerpt has been translated into the four languages, and therefore will be readily available to the Tribunal.

Then there is also another interrogation dated 22 October 1945. We read from Pages 15 and 16 of that interrogation, as it appears in the record at Page 9169 for 7 May (Volume XIII, Page 214). The document is Number 3953-PS; we offer it as Exhibit USA-876.

We next referred to Document Number 3894-PS, the interrogation of one Hans Posse. We offered it as Exhibit USA-843 at the time, as appears on Page 9093 of the record for 6 May (Volume XIII, Page 158). At that time I stated to the Tribunal that we would submit the whole interrogation in French, Russian, German, and English. We are now prepared to do that, and do so.

Then we have Document 3954-PS. This is an affidavit by one Franz B. Wolf, one of the editors of the *Frankfurter Zeitung*. Reference to it will be found at Page 9082 of the transcript, where we stated that we would have more to say about the reason for the retention of the editorial staff of the *Frankfurter Zeitung* (Volume XIII, Page 150). That Document, 3954-PS, is also now available to the Tribunal in French, Russian, German, and English; and we offer it as Exhibit USA-877.

Then, Mr. President, a motion picture film was shown during this cross-examination of the Defendant Funk; and the Tribunal inquired as to whether or not we would be prepared to submit affidavits giving its source, and so on. We are now prepared to do so; and we offer first an affidavit by Captain Sam Harris who arranged to have the pictures taken, which becomes Exhibit USA-878. The second affidavit is by the photographer who actually took the picture. We offer that as Exhibit USA-879.

Finally, I should also like to clear up one other matter. On March 25, during the cross-examination of the witness Bohle, witness for the Defendant Hess, Colonel Amen quoted from the interrogation of Von Strempel, as appears in the record beginning at Page 6482 (Volume X, Page 40). We have had the pertinent portions translated into the operating languages of the Tribunal, and we ask that this interrogation, which bears our Document Number 3800-PS, be admitted in evidence as Exhibit USA-880.

I believe, Mr. President, that clears up all of the documents that we have not offered formally, up to this date.

THE PRESIDENT: Now, counsel for the Defendant Sauckel.

DR. SERVATIUS: With the permission of the Tribunal, I will now call Defendant Sauckel to the witness stand.

THE PRESIDENT: Certainly.

[The Defendant Sauckel took the stand.]

THE PRESIDENT: Will you state your full name?

FRITZ SAUCKEL (Defendant): Ernst Friedrich Christoph Sauckel.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The defendant repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SERVATIUS: Witness, please describe your career to the Tribunal.

SAUCKEL: I was the only child of the postman Friedrich Sauckel, and was born at Hassfurt on the Main near Bamberg. I attended the elementary school at Schweinfurt and the secondary school.

DR. SERVATIUS: How long were you at the secondary school?

SAUCKEL: For 5 years. As my father held only a very humble position, it was my mother, a seamstress, who made it possible for me to go to that school. When she became very ill with heart trouble, I saw that it would be impossible for my parents to

provide for my studies, and I obtained their permission to go to sea to make a career for myself there.

DR. SERVATIUS: Did you join the merchant marine, or where did you go?

SAUCKEL: First of all I joined the Norwegian and Swedish merchant marine so that I could be thoroughly trained in seamanship on the big sailing vessels and clippers.

DR. SERVATIUS: How old were you at the time?

SAUCKEL: At that time I was 15½.

DR. SERVATIUS: What were you earning?

SAUCKEL: As a cabin boy on a Norwegian sailing ship I earned 5 kronen in addition to my keep.

DR. SERVATIUS: And then, in the course of your career at sea, where did you go next?

SAUCKEL: In the course of my career as a sailor, and during my training which I continued afterwards on German sailing vessels, I sailed on every sea and went to every part of the world.

DR. SERVATIUS: Did you come into contact with foreign families?

SAUCKEL: Through the Young Men's Christian Association, principally in Australia and North America, as well as in South America, I came into contact with families of these countries.

DR. SERVATIUS: Where were you when the first World War started?

SAUCKEL: It so happened that I was on a German sailing vessel on the way to Australia when the ship was captured, and on the high seas I was made prisoner by the French.

DR. SERVATIUS: How long did you remain prisoner?

SAUCKEL: Five years, until November 1919.

DR. SERVATIUS: And did you return home then?

SAUCKEL: Yes, I returned home then.

DR. SERVATIUS: And then what did you do?

SAUCKEL: Although I had finished my training and studies in seamanship required of me, I could not go to sea again and take my examination, since my savings made during those years at sea had become worthless because of the German inflation. There were also few German ships and very many unemployed German seamen, so I decided to take up work in a factory in my home town of Schweinfurt.

DR. SERVATIUS: Did you remain in your home town?

SAUCKEL: At first I remained in my home town. I learned to be a turner and engineer in the Fischer ball-bearing factory in order to save money so that I later could attend a technical school, an engineering college.

DR. SERVATIUS: Were you already interested in politics at that time?

SAUCKEL: Although as a sailor I despised politics—for I loved my sailor's life and still love it today—conditions forced me to take up a definite attitude towards political problems. No one in Germany at that time could do otherwise. Many years before I had left a beautiful country and a rich nation and I returned to that country 6 years later to find it fundamentally changed and in a state of upheaval, and in great spiritual and material need.

DR. SERVATIUS: Did you join any party?

SAUCKEL: No. I worked in a factory which people in my home town described as "ultra-Red." I worked in the tool shop, and right and left of me Social Democrats, Communists, Socialists, and Anarchists were working—among others my present father-in-law—and during all the rest periods discussions went on, so that whether one wanted to or not one became involved in the social problems of the time.

DR. SERVATIUS: You mention your father-in-law. Did you marry then?

SAUCKEL: In 1923 I married the daughter of a German workman I had met at that time. I am still happily married to her today and we have 10 children.

DR. SERVATIUS: When did you join the Party?

SAUCKEL: I joined the Party definitely in 1923 after having already been in sympathy with it before.

DR. SERVATIUS: What made you do it?

SAUCKEL: One of those days I heard a speech of Hitler's. In this speech he said that the German factory worker and the German laborer must make common cause with the German brain worker. The controversies between the proletariat and the middle class must be smoothed out and bridged over by each getting to know and understand the other. Through this a new community of people would grow up, and only such a community, not bound to middle class or proletariat, could overcome the dire needs of those days and the splitting up of the German nation into parties and creeds. This statement took such hold of me and struck me so forcibly, that

I dedicated my life to the idea of adjusting what seemed to be almost irreconcilable contrasts. I did that all the more, if I may say so, because I was aware of the fact that there is an inclination to go to extremes in German people, and in the German character generally. I had to examine myself very thoroughly to find the right path for me personally. As I have already said, I had hardly taken any interest in political questions. My good parents, who are no longer alive, brought me up in a strictly Christian but also in a very patriotic way. However, when I went to sea, I lived a sailor's life. I loaded saltpeter in Chile. I did heavy lumber work in Canada, in Quebec. I trimmed coal on the equator, and I sailed around Cape Horn several times. All of this was hard work; I ask . . .

DR. SERVATIUS: Please, come back to the question of the Party.

SAUCKEL: This has to do with the question of the Party, for we must all give some reasons as to how we got there. I myself . . .

THE PRESIDENT: Dr. Servatius, I stated at the beginning of the defendant's case that we had heard this account from the Defendant Göring and that we did not propose to hear it again from 20 defendants. It seems to me that we are having it inflicted upon us by nearly every one of the defendants.

DR. SERVATIUS: I believe, Mr. President, that we are interested in getting some sort of an impression of the defendant himself. Seen from various points of view, the facts look different. I will now briefly . . .

THE PRESIDENT: It is quite true, Dr. Servatius, but we have had half an hour, almost, of it now.

DR. SERVATIUS: I shall limit it now.

The Party was dissolved in 1923, and refounded in 1925. Did you join it again?

SAUCKEL: Yes.

DR. SERVATIUS: Did you take an active part in the Party or were you just a member?

SAUCKEL: From 1925 on I took an active part in it.

DR. SERVATIUS: And what position did you hold?

SAUCKEL: I was then Gauleiter in Thuringia.

DR. SERVATIUS: Did you do that to get work, to earn your living, or for what reason?

SAUCKEL: As Gauleiter in Thuringia I earned 150 marks. In any other profession I would have had accommodations and earned more money.

DR. SERVATIUS: When did you make Hitler's acquaintance?

SAUCKEL: I met him briefly in 1925.

DR. SERVATIUS: When did you become Gauleiter?

SAUCKEL: I became Gauleiter in 1927.

DR. SERVATIUS: And how were you appointed?

SAUCKEL: I was appointed by letter.

DR. SERVATIUS: Did you receive any special instructions which pointed to secret intentions of the Party?

SAUCKEL: At that time we were very definitely told that under no circumstances should there be any secret chapters or any other secrecy in the life of the Party, but that everything should be done publicly.

DR. SERVATIUS: Who was your predecessor?

SAUCKEL: Dr. Dinter.

DR. SERVATIUS: Why was he relieved of his post?

SAUCKEL: Dr. Dinter was dismissed because he wanted to found a new religious movement within the Party.

DR. SERVATIUS: In 1929 you became a member of the Thuringian Diet?

SAUCKEL: Yes.

DR. SERVATIUS: Were you elected to that?

SAUCKEL: I was elected to the Diet in the same way as at every parliamentary election.

DR. SERVATIUS: Was dictatorship in power there already at the time?

SAUCKEL: That was not possible; the province was governed in accordance with the Thuringian constitution.

DR. SERVATIUS: How long were you a member of the Diet?

SAUCKEL: I was a member of the Diet as long as it existed, until May 1933.

DR. SERVATIUS: How was it dissolved?

SAUCKEL: The Diet was dissolved by a Reich Government decree.

DR. SERVATIUS: Then in 1932, you were a member of the Provincial Government of Thuringia. How did you get into that position?

SAUCKEL: In 1932, in the month of June, new elections took place for the Thuringian Diet, and the NSDAP obtained 26 out of 60 seats.

DR. SERVATIUS: Was any mention made of a dictatorship which was to be aimed at?

SAUCKEL: No, a government was elected according to parliamentary principles.

DR. SERVATIUS: Well, you had a majority in the Thuringian Government, had you not, and you could use your influence?

SAUCKEL: Together with the bourgeois parties, by an absolute majority, a National Socialist government was elected.

DR. SERVATIUS: What happened to the old officials? Were they dismissed?

SAUCKEL: I myself became the President and Minister of the Interior in that government; the old officials, without exception, remained in their offices.

DR. SERVATIUS: And with what did that first National Socialist government concern itself in the field of domestic politics?

SAUCKEL: In the field of domestic politics there was only one question at that time, and that was the alleviation of an indescribable distress which is only exceeded by that of today.

DR. SERVATIUS: In this connection, Mr. President, may I submit two government reports from which I only wish to draw your attention briefly to two passages. One is the report contained in Document Number 96, which shows the activity of the government and its fight against social distress. What is particularly important when you run through it, is what is not mentioned, that is, there is no mention of the question of war or other such matters, but again and again the alleviation of distress is mentioned. And important, too, is the work that was carried out. That is in Document Number 97. In this book, on Page 45, there is a statement of the work undertaken by the government—bridge-building, road-making, and so on—and in no way had this work anything to do with war.

Then I am submitting Document Number 95 from the same period. It is a book called *Sauckel's Fighting Speeches*. Here, too, the book is remarkable for what does not appear in it, namely preparations for war. Instead it emphasizes the distress which must be alleviated. It becomes clear from the individual articles that these are speeches made during a number of years, which show in a similar way what the preoccupations were of the Defendant Sauckel. It begins in 1932 with a speech dealing with the misery of the time, and ends with the final questions where reference is made once again to the alleviation of social need and the preservation of peace. The Tribunal will be able to read these articles in the document book.

In 1933 you also became Reich Regent of Thuringia. How did you manage to get to that position?

SAUCKEL: I was appointed Reich Regent of Thuringia by Field Marshal Von Hindenburg, who was Reich President at that time.

DR. SERVATIUS: What were the instructions you received when you took up your offices?

SAUCKEL: When I took over my office as Reich Regent I received instructions to form a new Thuringian Government, as the Reich Regent was to keep out of the administrative affairs of a German state...

DR. SERVATIUS: You need not tell us these technical details. I mean what political task were you given?

SAUCKEL: I was given the political task of administering Thuringia as Reich Regent within the existing Reich law and prevailing Constitution, and of guaranteeing the unity of the Reich.

DR. SERVATIUS: And did the words "guarantee the unity of the Reich" mean the overpowering of others, in particular the authorities in Thuringia?

SAUCKEL: No, the authorities remained.

DR. SERVATIUS: Now, you held both the position of Gauleiter and that of Reich Regent. What was the aim of that?

SAUCKEL: Both positions were entirely separate in their organizations. Under the Regent were officials in office, and under the Gauleiter were employees of the Party. Both positions were administered absolutely separately, as is the case in any other state where members of a party are at the same time party officials or leaders and exercise both these functions simultaneously.

DR. SERVATIUS: So you received no order that one position should absorb the other?

SAUCKEL: No, I had no such orders. The tasks were entirely different.

DR. SERVATIUS: Were you a member of the SA?

SAUCKEL: I myself was never an SA man. I was an honorary Obergruppenführer in the SA.

DR. SERVATIUS: How did you receive that appointment?

SAUCKEL: I cannot tell you. It was honorary.

DR. SERVATIUS: Were you appointed SS Obergruppenführer by Himmler?

SAUCKEL: No, the Führer made me honorary SS Obergruppenführer for no special reason and without functions.

DR. SERVATIUS: Were you a member of the Reichstag?

SAUCKEL: Yes, from 1933 on.

DR. SERVATIUS: As a member of the Reichstag, did you know anything in advance about the beginning of the war? Were you informed?

SAUCKEL: I was never informed in advance about the start of the war or about foreign political developments. I merely remember that quite suddenly—it may have been during the days between 24 August and the end of August—we were called to a session of the Reichstag in Berlin. This session was canceled at the time, and we were later ordered to go to the Führer, that is, the Gauleiter and Reichsleiter. But a number had already left so that the circle was not complete. The conference, or Hitler's speech, only lasted a short time. He said, roughly, that the meeting of the Reichstag could not take place as things were still in the course of development. He was convinced that there would not be a war. He said he hoped there would be some settlement in a small way and meant by that, as I had to conclude, a solution without the parts of Upper Silesia lost in 1921. He said—and that I remember exactly—that Danzig would become German, and apart from that Germany would be given a railway line with several tracks, like a Reichsautobahn, with a strip of ground to the right and left of it. He told us to go home and prepare for the Reich Party Rally, where we would meet again.

DR. SERVATIUS: Did you have any close connections with the Führer?

SAUCKEL: I personally, as far as I know the Führer, had a great deal of admiration for him. But I had no close connection with him that one could describe as personal. I had a number of discussions with him about the administration of my Gau and in particular about the care he wished to be given to cultural buildings in Thuringia—in Weimar, Eisenach, and Meiningen; and later on there were more frequent meetings because of my position as Plenipotentiary General for the Allocation of Labor.

DR. SERVATIUS: We shall come to that later. What connections did you have with the Reichsleiter?

SAUCKEL: My connections with the Reichsleiter were no different from my connections with the Führer. They were of an official and Party nature. As regards personal relationships I cannot say that I had any particularly personal intercourse with anyone.

DR. SERVATIUS: What about your connection with the Reich Ministers?

SAUCKEL: My connection with the Reich Ministers was of a purely official nature and was very infrequent.

DR. SERVATIUS: What about the Wehrmacht?

SAUCKEL: I could not have the honor of being a German soldier because of my imprisonment in the first World War. And in this World War the Führer refused to allow me to serve as a soldier.

DR. SERVATIUS: Witness, you have held a number of high positions and offices. You knew the Reich Ministers and Reichsleiter. Will you please explain why you went aboard the submarine at that time?

SAUCKEL: I had repeatedly made written requests to the Führer that I might be allowed to join the Wehrmacht as an ordinary soldier. He refused to give me this permission. So I arranged in secret for someone to take my place and went aboard Captain Salmann's submarine with his agreement. As a former sailor and now a politician in a high position I wanted to give these brave submarine men a proof of my comradeship and understanding and of my sense of duty. Apart from that I had 10 children for whom, as their father, I had to do something too.

DR. SERVATIUS: I should like now, in a number of questions, to refer to your activities. Were you a member of a trade union?

SAUCKEL: No.

DR. SERVATIUS: Do you know what the aims of German trade unions were?

SAUCKEL: Yes, I do.

DR. SERVATIUS: Were they economic or political?

SAUCKEL: As I, as a worker, came to know them, the aims of German trade unions were political, and there were a number of different trade unions with varied political views. I considered that a great misfortune. As workman in the workshop I had had experience of the arguments among the trade unionists—between the Christian Socialist trade unions and the Red trade unions, between the syndicalist, the anarchist and the communist trade unions.

DR. SERVATIUS: The trade unions in your Gau were then dissolved. Were the leaders arrested at the time?

SAUCKEL: No.

DR. SERVATIUS: Did you approve of the dissolution of the trade unions?

SAUCKEL: The dissolution of the trade unions was in the air then. The question was discussed in the Party for a long time and

there was no agreement at all as to the position trade unions should hold, nor as to their necessity, their usefulness and their nature. But a solution had to be found because the trade unions which we, or the Führer, or Dr. Ley, dissolved all held different political views. From that time on, however, there was only one party in Germany and it was necessary, I fully realize, to come to a definite decision as to the actual duties of the trade unions, the necessary duties indispensable to every calling and to workers everywhere.

DR. SERVATIUS: Was not the purpose of removing the trade unions to remove any opposition which might stand in the way of an aggressive war?

SAUCKEL: I can say in all good conscience that during those years not one of us ever thought about a war at all. We had to overcome such terrible need that we should have been only too glad if German economic life could have been started again in peace and if the German worker, who had suffered the most during that frightful depression, could have had work and food once more.

DR. SERVATIUS: Did members of trade unions suffer economically through the dissolution?

SAUCKEL: In no way. My own father-in-law, who was a member of a trade union and still is today, and whom I repeatedly asked for information, whom I never persuaded to join the Party—he was a Social Democrat and never joined the Party—confirmed the fact that even when he was getting old and could no longer work, the German Labor Front never denied him the rights due to him as an old trade unionist and by virtue of his long trade-union membership, but allowed him full benefits. On the other hand, the German State—since in Germany old age and disability insurance and the accident insurance, *et cetera,* were paid and organized by the State—the National Socialist State guaranteed him all these rights and made full payment.

DR. SERVATIUS: Were all Communist leaders arrested in your Gau after the Party came to power?

SAUCKEL: No. In my Gau, as far as I know, only Communists who had actually worked against the State were arrested.

DR. SERVATIUS: And what happened to them?

SAUCKEL: The State Police arrested and interrogated them and detained them according to the findings.

DR. SERVATIUS: Did you have Kreisleiter in your Gau who had been members of a former opposition party?

SAUCKEL: The Party's activity was recruiting. Our most intensive work was the winning over of political opponents. I am very

proud of the fact that many workers in my Gau, numerous former Communists and Social Democrats, were won over by us and became local group leaders and Party functionaries.

DR. SERVATIUS: But were there not two Kreisleiter from the extreme left appointed by you?

SAUCKEL: One Kreisleiter from the extreme left was appointed. Also, besides a number of other leaders, the Gau sectional manager of the German Labor Front had belonged to the extreme left for a long time.

DR. SERVATIUS: How did you personally deal with your political opponents?

SAUCKEL: Political opponents who did not work against the State were neither bothered nor harmed in my Gau.

DR. SERVATIUS: Do you know the Socialist Deputy Fröhlich?

SAUCKEL: The Socialist Deputy August Fröhlich was my strongest and most important opponent. He was the leader of the Thuringian Social Democrats and was for many years the Social Democrat Prime Minister of Thuringia. I had great respect for him as an opponent. He was an honorable and upright man. On 20 July 1944, through my own personal initiative, I had him released from detention. He had been on the list of the conspirators of 20 July, but I had so much respect for him personally that, in spite of that, I asked for his release and obtained it.

DR. SERVATIUS: Did you treat other opponents similarly?

SAUCKEL: I also had a politician of the Center Party I knew in my home town of Schweinfurt released from detention.

DR. SERVATIUS: The Concentration Camp of Buchenwald was in your Gau. Did you establish it?

SAUCKEL: The Buchenwald Camp originated in the following manner: The Führer, who came to Weimar quite often because of the theater there, suggested that a battalion of his SS Leibstandarte should be stationed at Weimar. As the Leibstandarte was considered a picked regiment I not only agreed to this but was very pleased, because in a city like Weimar people are glad to have a garrison. So the State of Thuringia, the Thuringian Government, at the request of the Führer, prepared a site in the Ettersburg Forest, north of the incline outside the town.

After some time Himmler informed me, however, that he could not bring a battalion of the SS Leibstandarte to Weimar, as he could not divide up the regiment, but that it would be a newly established Death's-Head unit, and Himmler said it would amount to the same thing. It was only some time later, when the site had

already been placed at the disposal of the Reich, that Himmler declared that he now had to accommodate a kind of concentration camp with the Death's-Head units on this very suitable site. I opposed this to begin with, because I did not consider a concentration camp at all the right kind of thing for the town of Weimar and its traditions. However, he—I mean Himmler—making use of his position, refused to have any discussion about it. And so the camp was set up neither to my satisfaction nor to that of the population of Weimar.

DR. SERVATIUS: Did you have anything to do with the administration of the camp later on?

SAUCKEL: I never had anything to do with the administration of the camp. The Thuringian Government made an attempt at the time to influence the planning of the building by saying that the building police in Thuringia wished to give the orders for the sanitary arrangements in the camp. Himmler rejected this on the grounds of his position, saying that he had a construction office of his own and the site now belonged to the Reich.

DR. SERVATIUS: Did you visit the camp at any time?

SAUCKEL: As far as I can remember, on one single occasion at the end of 1937 or at the beginning of 1938, I visited and inspected the camp with an Italian commission.

DR. SERVATIUS: Did you find anything wrong there?

SAUCKEL: I did not find anything wrong. I inspected the accommodations—I myself had been a prisoner for 5 years, and so it interested me. I must admit that at that time there was no cause for any complaint as such. The accommodations had been divided into day and night rooms. The beds were covered with blue and white sheets; the kitchens, washrooms, and latrines were beyond reproach, so that the Italian officer or officers who were inspecting the camp with me said that in Italy they would not accommodate their own soldiers any better.

DR. SERVATIUS: Later on did you hear about the events in that camp which have been alleged here?

SAUCKEL: I heard nothing about such events as have been alleged here.

DR. SERVATIUS: Did you have anything to do with the evacuation of the camp at the end of the war, before the American Army approached?

SAUCKEL: When the mayor of Weimar informed me that they intended to evacuate the camp at Buchenwald and to use the camp guards to fight the American troops, I raised the strongest objections.

As I had no authority over the camp, and since for various reasons connected with my other office I had had considerable differences with Himmler and did not care to speak to him, I telephoned the Führer's headquarters in Berlin and said that in any case an evacuation or a transfer of prisoners into the territory east of the Saale was impossible and madness, and could not be carried through from the point of view of supplies. I demanded that the camp should be handed over to the American occupation troops in an orderly manner. I received the answer that the Führer would give instructions to Himmler to comply with my request. I briefly reported this to some of my colleagues and the mayor, and then I left Weimar.

DR. SERVATIUS: The witness Dr. Blaha has stated that you had also been to the concentration camp at Dachau on the occasion of an inspection.

SAUCKEL: No, I did not go to the Dachau Concentration Camp and, as far as I recollect, I did not take part in the visit of the Gauleiter to Dachau in 1935 either. In no circumstances did I take part in an inspection in Dachau such as Dr. Blaha has described here; and consequently, above all, I did not inspect workshops or anything of the sort.

DR. SERVATIUS: Did you not, as Gauleiter, receive official reports regarding the events in the concentration camp, that is to say, orders which passed through the Gau administrative offices both from and to the camp?

SAUCKEL: No. I neither received instructions for the Buchenwald Camp, nor reports. It was not only my personal opinion but it was the opinion of old experienced Gauleiter that it was the greatest misfortune, from the administrative point of view, when Himmler as early as 1934-35 proceeded to separate the executive from the general internal administration. There were continual complaints from many Gauleiter and German provincial administrations. They were unsuccessful, however, because in the end Himmler incorporated even the communal fire brigades into the Reich organization of his Police.

DR. SERVATIUS: Did you have any personal relations with the Police and the SS at Weimar?

SAUCKEL: I had no personal relations with the SS and the Police at all. I had official relations inasmuch as the trade police and the local police of small boroughs still remained under the internal administration of the State of Thuringia.

DR. SERVATIUS: Did not the Police have their headquarters near you, at Weimar?

SAUCKEL: No, it was the ridiculous part of the development at that time that, as I once explained to the Führer, we had been changed from a Party state, and a state made up of provinces, into a departmental state. The Reich ministries had greatly developed, their departments being fairly well defined, and the individual district departments of the various administrations did not agree among one another. Until 1934 Thuringia had its own independent police administration in its Ministry for Home Affairs. But from that time the headquarters of the Higher SS and the Police Leader were transferred to Kassel, so that Himmler, in contrast to the rest of the State and Party organizations, obtained new spheres for his Police. He demonstrated this in Central Germany where for example the Higher SS and Police Leader for Weimar and the State of Thuringia was stationed in Kassel, whereas for the Prussian part of the Gau of Thuringia—that is to say the town of Erfurt which is 20 kilometers away from Weimar—the Higher SS and Police Leader and the provincial administration had their seat in Magdeburg. It is obvious that we, as Gau authorities, did not in any way agree with such a development and that there was great indignation among the experienced administrators.

DR. SERVATIUS: The question is: Did you co-operate with these offices and did you have a friendly association with the officials in the regime and therefore know what was going on in Buchenwald?

SAUCKEL: On the contrary, it was a continual battle. Each separate organization shut itself off from the others. At such a period of world development this was most unfortunate. For the people it was disadvantageous and it made things impossible for any administration.

DR. SERVATIUS: Was there persecution of the Jews in your Gau?

SAUCKEL: No.

DR. SERVATIUS: What about the laws concerning the Jews and the execution of those laws?

SAUCKEL: These Jewish laws were proclaimed in Nuremberg. There were actually very few Jews in Thuringia.

DR. SERVATIUS: Were there no violations in connection with the well-known events, following the murder of the Envoy Vom Rath in Paris, which have repeatedly become the subject of discussion in this Trial?

SAUCKEL: I cannot recollect in detail the events in Thuringia. As I told you, there were only a few Jews in Thuringia. The Gauleiter were in Munich at the time, and had no influence at all on that development, for it happened during the night, when all the Gauleiter were in Munich.

DR. SERVATIUS: My question is this: What happened in your Gau of Thuringia, and what instructions did you give as a result?

SAUCKEL: There may have been a few towns in Thuringia where a window was smashed or something of that sort. I cannot tell you in detail. I cannot even tell you where or whether there were synagogues in Thuringia.

DR. SERVATIUS: Now one question regarding your financial position.

On the occasion of your fiftieth birthday the Führer made you a donation. How much was it?

SAUCKEL: On my fiftieth birthday in October 1944 I was surprised to get a letter from the Führer through one of his adjutants. In that letter there was a check for 250,000 marks. I told the adjutant that I could not possibly accept it—I was very surprised. The Führer's adjutant—it was little Bormann, the old Bormann, not Reichsleiter Bormann—told me that the Führer knew quite well that I had neither money nor any landed property and that this would be a security for my children. He told me not to hurt the Führer's feelings. The adjutant left quickly and I sent for Demme who was both a colleague and a friend of mine and the president of the State Bank of Thuringia. He was unfortunately refused as a witness as being irrelevant...

THE PRESIDENT: I think it is enough if we know whether he ultimately accepted it or not.

DR. SERVATIUS: Let us drop that question. What happened to the money?

SAUCKEL: Through the president of the State Bank in question the money was placed into an account in the State Bank of Thuringia.

DR. SERVATIUS: What other income did you receive from your official positions?

SAUCKEL: The only income I had from my official positions was the salary of a Reich Regent.

DR. SERVATIUS: How much was that?

SAUCKEL: The salary of a Reich Minister; I cannot tell you exactly what it was. I never bothered about it. It was something like 30,000 marks.

DR. SERVATIUS: And what means have you today apart from the donation in that bank account?

SAUCKEL: I have not saved any money and I never had any property.

DR. SERVATIUS: That, Mr. President, brings me to the end of those general questions and I am now coming to the questions relating to the Allocation of Labor.

THE PRESIDENT: We will adjourn.

[A recess was taken.]

DR. SERVATIUS: To aid the Court I have prepared a plan showing how the direction of labor was managed, which should help to explain how the individual authorities co-operated and how the operation was put into motion.

I will concern myself mainly with the problem of meeting the demand, that is with the question of how the labor was obtained. I shall not concern myself much with the question of the use made of the labor and the needs of industry. That is more a matter for Speer's defense, which does not quite fit in with my presentation of things. But those are details which occurred in error because I did not go into such matters thoroughly when the plan was being prepared. Fundamentally there are no differences.

If I may explain the plan briefly: At the top there is the Führer, in red; under him is the Four Year Plan; and under that, as part of the Four Year Plan, there is the office of Sauckel, who was Plenipotentiary General for the Allocation of Labor and came directly under the Four Year Plan. He received his instructions and orders from the Führer through the Four Year Plan, or, as was the Führer's way, from him direct.

Sauckel's headquarters were at the Reich Ministry of Labor. It is the big space outlined in yellow to the left, below Sauckel's office which is in brown. Sauckel only became included in the Reich Labor Ministry by having a few offices put at his disposal. The Reich Minister of Labor and the whole of the Labor Ministry remained.

In the course of time Sauckel's position became somewhat stronger, individual departments being necessarily incorporated into his, over which, to a certain extent, he obtained personal power; but the Reich Ministry of Labor remained until the end.

I should now like to explain how the "Arbeitseinsatz" was put into operation. Owing to operations in Russia and the great losses in the winter, there arose a need for 2 million soldiers. The Wehrmacht, OKW, marked in green at the top next to the Führer, demands soldiers from the industries. It is marked here in the green spaces which run downwards below the OKW. The line then turns left downwards to the industries which are marked as having 30 million workers. The Wehrmacht withdraws 2 million workers but can only do so when new labor is there. It was at that moment that Sauckel was put into office in order to obtain this labor.

The number of men needed was determined by the higher authorities through the so-called "Requirements Board," marked at the top in yellow, which represented the highest offices: the Armaments and Production Ministries, the Ministry of Air, Agriculture, Shipping, Traffic, and so on. They reported their requests to the Führer and he decided what was needed.

Sauckel's task was carried out as follows: Let us go back to the brown square. On the strength of the right of the Four Year Plan to issue orders, he applied to the space on the right where the squares are outlined in blue. They are the highest district offices in the occupied territories, the Reich Ministry for the Eastern Territories, that is, Rosenberg; then come the military authorities; and as things were handled a little differently in each country, here are the various countries, Belgium, Northern France, Holland, *et cetera,* marked in yellow. These agencies received the order to make labor available. Each through its own machinery referred the order to the next agency below and so on down to the very last, the local labor offices which are under the district authorities, and here the workers were assigned to the factories. That is the reserve of foreigners. Beside that there are two other sources of labor available, the main reserve of German workers, which is marked in blue to the left at the bottom, and the reserve of prisoners of war.

Sauckel had to deal with all these three agencies. I will now put relevant questions to the witness. This is only to refresh our memories and to check the explanation.

I will submit other charts later. There is a list of the witnesses drawn up according to their offices so that we know where they belong; and later there will be another chart showing the inspection and controls which were set up.

THE PRESIDENT: Dr. Servatius, you will no doubt be asking the witness whether he is familiar with the chart and whether it is correct.

DR. SERVATIUS: Witness, you have seen this chart. Is it correct? Do you acknowledge it?

SAUCKEL: To the best of my memory and belief it is correct, and I acknowledge it.

DR. SERVATIUS: On 21 March 1942 you were made Plenipotentiary General for the Allocation of Labor. Why were you chosen for this office?

SAUCKEL: The reason why I was chosen for this office was never known to me and I do not know it now. Because of my engineering studies and my occupation I took an interest in questions concerning labor systems, but I do not know whether that was the reason.

DR. SERVATIUS: Was your appointment not made at Speer's suggestion?

SAUCKEL: Reichsleiter Bormann stated that in the preamble to his official decree. I do not know the actual circumstances.

DR. SERVATIUS: I beg to refer to Sauckel Document Number 7. It is in Document Book 1, Page 5.

SAUCKEL: I should like to add that this appointment came as a complete surprise to me, I did not apply for it in any way. I never applied for any of my offices.

THE PRESIDENT: What number are you giving to this document?

DR. SERVATIUS: Document Number 7.

THE PRESIDENT: I mean the chart. What number are you giving to the chart?

DR. SERVATIUS: Document 1.

THE PRESIDENT: Yes, I see, and Document Number 7, Page 5.

DR. SERVATIUS: Yes. This document is a preamble added by Reichsleiter Bormann to the decree and which shows that it was Speer who suggested Sauckel for this position.

Was it an entirely new office which you then entered?

SAUCKEL: No. The Arbeitseinsatz had been directed by the Four Year Plan before my appointment. A ministerial director, Dr. Mansfeld, held the office then. I only learned here, during these proceedings, that the office was already known before my time as the office of the Plenipotentiary General.

DR. SERVATIUS: On taking up your office did you talk to Dr. Mansfeld, your so-called predecessor?

SAUCKEL: I neither saw Dr. Mansfeld nor spoke to him, nor did I take over any records from him.

DR. SERVATIUS: To what extent was your office different from that of the previous Plenipotentiary General?

SAUCKEL: My office was different to this extent: The department in the Four Year Plan was given up and was no longer used by me. I drew departments of the Reich Labor Ministry more and more closely into this work as they had some of the outstanding experts.

DR. SERVATIUS: What was the reason for this reconstruction of the office?

SAUCKEL: The reason was to be found in the many conflicting interests which had been very prominent up to the third year of the war in the political and state offices, internal administration offices,

Party agencies and economic agencies, and which now for territorial considerations opposed the interdistrict equalization of the labor potential, which had become urgent.

DR. SERVATIUS: What sort of task did you have then? What was your sphere of work?

SAUCKEL: My chief sphere of work was in directing and regulating German labor.

DR. SERVATIUS: What task were you given then?

SAUCKEL: I had to replace with suitably skilled workers those men who had to be freed from industry for drafting into the German Wehrmacht, that is, into the different branches of the Wehrmacht. Moreover, I also had to obtain new labor for the new war industries which had been set up for food production as well as for the production of armaments, of course.

DR. SERVATIUS: Was your task definitely defined?

SAUCKEL: It was at first in no way definitely defined. There were at that time about 23 or 24 million workers to be directed, who were available in the Reich but who had not yet been fully employed for war economy.

DR. SERVATIUS: Did you look on your appointment as a permanent one?

SAUCKEL: No. I could not consider it as permanent.

DR. SERVATIUS: Why not?

SAUCKEL: Because in addition to me the Reich Labor Minister and his state secretaries were in office and at the head of things; and then there was the whole of the Labor Ministry.

DR. SERVATIUS: What sources were at your disposal to obtain this labor?

SAUCKEL: First, there were the workers who were already present in the Reich from all sorts of callings who, as I have said, had not yet been directed to war economy, not yet completely incorporated in the way that was necessary for the conduct of the war. Then further there were the prisoners of war as far as their labor was made available by the army authorities.

DR. SERVATIUS: At first then, if I have understood you correctly, proper distribution, and a thrifty management of German labor?

SAUCKEL: When my appointment . . .

THE PRESIDENT: Defendant, I do not understand the German language, but it appears to me that if you would not make pauses between each word it would make your sentences shorter; and pause

at the end of the sentence. It would be much more convenient for the interpreter. I do not know whether I am right in that. That is what it looks like. You are pausing between each word, and therefore it is difficult, I imagine, to get the sense of the sentence.

SAUCKEL: I beg your pardon, Your Lordship.

THE PRESIDENT: Go on, Dr. Servatius.

DR. SERVATIUS: What did you do to carry out your task?

SAUCKEL: I will repeat. First, as I had received no specific instructions I understood my task to mean that I was to fill up the gaps and deficiencies by employing labor in the most rational and economic way.

DR. SERVATIUS: What was the order you received? How many people were you to obtain?

SAUCKEL: That question is very difficult to answer, for I received the necessary orders only in the course of the development of the war. Labor and economy are fluid, intangible things. However I then received the order that if the war were to continue for some time I was to find replacements in the German labor sector for the Wehrmacht, whose soldiers were the potential of peacetime economy.

DR. SERVATIUS: You drew up a program. What was provided for in your program?

SAUCKEL: I drew up two programs, Doctor. At first, when I took up my office, I drew up one program which included a *levée en masse,* so to speak, of German women and young people, and, another, as I already said, for the proper utilization of labor from the economic and technical point of view.

DR. SERVATIUS: Was the program accepted?

SAUCKEL: The program was rejected by the Führer when I submitted it to him and, as was my duty, to the Reich economic authorities and ministries which were interested in the employment of labor.

DR. SERVATIUS: Why?

SAUCKEL: The Führer sent for me and in a lengthy statement explained the position of the German war production and also the economic situation. He said that he had nothing against my program as such if he had the time; but that in view of the situation, he could not wait for such German women to become trained and experienced. At that time 10 million German women were already employed who had never done industrial or mechanical work. Further, he said that the results of such a rationalization of working methods as I had suggested, something like a mixture of Ford and Taylor methods...

DR. SERVATIUS: One moment. The interpreters cannot translate your long sentences properly. You must make short sentences and divide your phrases, otherwise no one can understand you and your defense will suffer a great deal. Will you please be careful about that.

SAUCKEL: In answer to my proposal the Führer said that he could not wait for a rationalization of the working methods on the lines of the Taylor and Ford systems.

DR. SERVATIUS: And what did he suggest?

SAUCKEL: May I explain the motives which prompted the Führer's decision. He described the situation at that time, at the end of the winter of 1941-42. Many hundreds of German locomotives, almost all the mechanized armed units, tanks, planes, and mechanical weapons had become useless as a result of the catastrophe of that abnormally hard winter.

Hundreds of thousands of German soldiers had suffered terribly from the cold; many divisions had lost their arms and supplies. The Führer explained to me that if the race with the enemy for new arms, new munitions, and new dispositions of forces was not won now, the Soviets would be as far as the Channel by the next winter. Appealing to my sense of duty and asking me to put into it all I could, he gave me the task of obtaining new foreign labor for employment in the German war economy.

DR. SERVATIUS: Did you have no scruples that this was against international law?

SAUCKEL: The Führer spoke to me in such detail about this question and he explained the necessity so much as a matter of course that, after he had withdrawn a suggestion which he had made himself, there could be no misgivings on my part that the employment of foreign workers was against international law.

DR. SERVATIUS: You also negotiated with other agencies and there were already workers within the Reich. What were you told about that?

SAUCKEL: None of the higher authorities, either military or civilian, expressed any misgivings. Perhaps I may add some things which the Führer mentioned as binding upon me. On the whole, the Führer always treated me very kindly. On this question, he became very severe and categorical and said that in the West he had left half the French Army free and at home, and he had released the greater part of the Belgian Army and the whole of the Dutch Army from captivity. He told me that under certain circumstances he would have to recall these prisoners of war for military reasons, but that in the interests of the whole of Europe and the Occident,

so he expressed himself, only a united Europe, where labor was properly allocated, could hold out in the fight against Bolshevism.

DR. SERVATIUS: Did you know the terms of the Hague land warfare regulations?

SAUCKEL: During the first World War I myself was taken prisoner as a sailor. I knew what was required and what was laid down with regard to the treatment and protection of prisoners of war and prisoners generally.

DR. SERVATIUS: Did foreign authorities—I am thinking of the French—ever raise the objection that what you planned with your Arbeitseinsatz was an infringement of the Hague land warfare regulations?

SAUCKEL: No. In France, on questions of the Arbeitseinsatz, I only negotiated with the French Government through the military commander and under the presidency of the German Ambassador in Paris. I was convinced that as far as the employment of labor in France was concerned, agreements should be made with a proper French Government. I negotiated in a similar manner with the General Secretary in Belgium.

DR. SERVATIUS: Now a large part—about a third—of the foreign workers were so-called Eastern Workers. What were you told about them?

SAUCKEL: With regard to the employment of workers from the East I was told that Russia had not joined the Geneva Convention, and so Germany for her part was not bound by it. And I was further told that in the Baltic countries and in other regions, Soviet Russia had also claimed workers or people, and that in addition about 3 million Chinese were working in Soviet Russia.

DR. SERVATIUS: And what about Poland?

SAUCKEL: As regards Poland I had been told, just as in the case of other countries, that it was a case of total capitulation, and that on the grounds of this capitulation Germany was justified in introducing German regulations.

DR. SERVATIUS: Did you consider the employment of foreign labor justifiable from the general point of view?

SAUCKEL: On account of the necessities which I have mentioned, I considered the employment of foreign workers justifiable according to the principles which I enforced and advocated and to which I also adhered in my field of work. I was, after all, a German and I could feel only as a German.

DR. SERVATIUS: Herr Sauckel, you must formulate your sentences differently, the interpreters cannot translate them. You must not insert one sentence into another.

So you considered it justifiable, in view of the principles you wished to apply and, which as you said, you enforced in your field of work?

SAUCKEL: Yes.

DR. SERVATIUS: Did you also think of the hardships imposed on the workers and their families through this employment?

SAUCKEL: I knew from my own life even if one goes to foreign countries voluntarily, a separation is very sad and heartbreaking and it is very hard for members of a family to be separated from each other. But I also thought of the German families, of the German soldiers, and of the hundreds of thousands of German workers who also had to go away from home.

DR. SERVATIUS: The suggestion has been made that the work could have been carried out in the occupied territories themselves, and it would not then have been necessary to fetch the workers away. Why was that not done?

SAUCKEL: That is, at first sight, an attractive suggestion. If it had been possible, I would willingly have carried out the suggestion which was made by Funk and other authorities, and later even by Speer. It would have made my life and work much simpler. On the other hand, there were large departments in this system which had to provide for and maintain the different branches of German economy and supply them with orders. As the Plenipotentiary General for the Allocation of Labor I could not have German fields, German farming, German mass-production with the most modern machinery transferred to foreign territories—I had no authority for that—and those offices insisted that I should find replacements for the agricultural and industrial workers and the artisans whose places had become vacant in German agriculture or industry because the men had been called to the colors.

DR. SERVATIUS: You said before that the manner in which you had planned the employment of workers was such that it could have been approved. What then were your leading principles in carrying out your scheme for the employment of labor?

SAUCKEL: When the Führer described the situation so drastically, and ordered me to bring foreign workers to Germany, I clearly recognized the difficulties of the task and I asked him to agree to the only way by which I considered it possible to do this, for I had been a worker too.

DR. SERVATIUS: Was not your principal consideration the economic exploitation of these foreign workers?

SAUCKEL: The Arbeitseinsatz has nothing to do with exploitation. It is an economic process for supplying labor.

DR. SERVATIUS: You said repeatedly in your speeches and on other occasions that the important thing was to make the best possible economic use of these workers. You speak of a machine which must be properly handled. Did you want to express thereby the thought of economic exploitation?

SAUCKEL: At all times a regime of no matter what nature, can only be successful in the production of goods if it uses labor economically—not too much and not too little. That alone I consider economically justifiable.

DR. SERVATIUS: It was stated here in a document which was submitted, the French Document RF-22, a government report, that the intention existed to bring about a demographic deterioration, and in other government reports mention is made that one of the aims was the biological destruction of other peoples. What do you say about that?

SAUCKEL: I can say most definitely that biological destruction was never mentioned to me. I was only too happy when I had workers. I suspected that the war would last longer than was expected, and the demands upon my office were so urgent and so great that I was glad for people to be alive, not for them to be destroyed.

DR. SERVATIUS: What was the general attitude toward the question of foreign workers before you took office? What did you find when you came?

SAUCKEL: There was a controversy when I took up my office. There were about two million foreign workers in Germany from neutral and allied states and occupied territories of the East and the West. They had been brought to the Reich without order or system. Many industrial concerns avoided contacting the labor authorities or found them troublesome and bureaucratic. The conflict of interests, as I said before, was very great. The Police point of view was most predominating, I think.

DR. SERVATIUS: And propaganda? What was the propaganda with regard to Eastern Workers, for example?

SAUCKEL: Propaganda was adapted to the war in the East. I may point out now—you interrupted me before when I was speaking of the order given me by the Führer—that I expressly asked the Führer not to let workers working in Germany be treated as enemies any longer, and I tried to influence propaganda to that effect.

DR. SERVATIUS: What else did you do with regard to the situation which confronted you?

SAUCKEL: I finally received approval from the Führer for my second program. That program has been submitted here as a document. I must and will bear responsibility for that program.

DR. SERVATIUS: It has already been submitted as Document 016-PS. It is the Program for the Allocation of Labor of 20 April 1942, Exhibit USA-168.

In this program you made fundamental statements. I will hand it to you and I ask you to comment on the general questions only, not on the individual points.

There is a paragraph added to the last part, "Prisoners of War and Foreign Workers." Have you found the paragraph?

SAUCKEL: Yes.

DR. SERVATIUS: If you will look at the third paragraph you will find what you want to explain.

SAUCKEL: I should like to say that I drew up and worked out this program independently in 1942 after I had been given that difficult task by the Führer. It was absolutely clear to me what the conditions would have to be if foreign workers were to be employed in Germany at all. I wrote those sentences at that time and the program went to all the German authorities which had to deal with the matter. I quote:

> "All these people must be fed, housed, and treated in such a way that with the least possible effort"—here I refer to economics as conceived by Taylor and Ford, whom I have studied closely—"the greatest possible results will be achieved. It has always been a matter of course for us Germans to treat a conquered enemy correctly and humanely, even if he were our most cruel and irreconcilable foe, and to abstain from all cruelty and petty chicanery when expecting useful service from him."

DR. SERVATIUS: Will you put the document aside now, please. What authority did you have to carry out your task?

SAUCKEL: I had authority from the Four Year Plan to issue instructions. I had at my disposal—not under me, but at my disposal—Sections 3 and 5 of the Reich Labor Ministry.

DR. SERVATIUS: What departments did they represent?

SAUCKEL: The departments, "Employment of Labor" and "Wages."

DR. SERVATIUS: Could you issue directives and orders?

SAUCKEL: I could issue directives and orders of a departmental nature to those offices.

DR. SERVATIUS: Could you carry on negotiations with foreign countries independently?

SAUCKEL: I could carry on negotiations with foreign countries only through the Foreign Office or, when I had received permission, with the ambassadors or ministers in question.

DR. SERVATIUS: Could you give your orders independently or was agreement and consultation necessary?

SAUCKEL: My field of work, as in every large branch of an administration, made it absolutely necessary for me to discuss the questions and have consultations about them with neighboring departments. I was obliged to do so according to instructions.

DR. SERVATIUS: With whom did you have to consult, apart from the Four Year Plan under which you were placed?

SAUCKEL: I had first of all to consult the departments themselves from which I received the orders, and in addition the Party Chancellery, the office of Reich Minister Lammers—the Reich Chancellery, the Reich Railways, the Reich Food Ministry, the Reich Defense Ministry.

DR. SERVATIUS: Did things go smoothly, or were there difficulties?

SAUCKEL: There were always great difficulties.

DR. SERVATIUS: Did you have any dealings with Himmler?

SAUCKEL: I had dealings with Himmler only insofar as he gave instructions. He was Reich Minister and was responsible for security, as he said.

DR. SERVATIUS: Was not that a question which was very important for you in regard to the treatment of workers?

SAUCKEL: During the first months or in the first weeks, I believe, of my appointment I was called to see Heydrich. In a very precise way, Heydrich told me that he considered my program fantastic, such as it had been approved by the Führer, and that I must realize that I was making his work very difficult in demanding that barbed wire and similar fences should not and must not be put around the labor camps, but rather taken down. He then said curtly that I must realize that if it was I who was responsible for the allocation of labor, it was he who was responsible for security. That is what he told me.

DR. SERVATIUS: Did you accept the fact that these strict police measures now existed?

SAUCKEL: Through constant efforts I had these police measures gradually reduced as far as they concerned the workers who were employed in Germany through my agency and my office.

DR. SERVATIUS: What did your authority to issue instructions consist of? Could you issue orders or had you to negotiate, and how was this carried out in practice?

SAUCKEL: The authority I had to issue instructions was doubtful from the beginning because, owing to the necessities of war, the lack of manpower, and so on, I was forbidden to establish any office of my own or any other new office or organization. I could only pass on instructions after negotiation with the supreme authorities of the Reich and after detailed consultation. These instructions were, of course, of a purely departmental nature. I could not interfere in matters of administration.

DR. SERVATIUS: How was this right to issue instructions exercised with regard to the high authorities in the occupied territories?

SAUCKEL: It was exactly the same, merely of a departmental nature. In practice it was the passing on of the Führer's orders which were to be carried out there through the individual machinery of each separate administration.

DR. SERVATIUS: Could you give binding instructions to military authorities, to the Economic Inspectorate East, for example?

SAUCKEL: No, there was a strict order from the Führer that in the Army areas, the operational areas of the Commanders-in-Chief, the latter only were competent, and when they had examined military conditions and the situation, everything had to be regulated according to the needs of these high military commands.

DR. SERVATIUS: Did that apply to the military commander in France, or could you act directly there?

SAUCKEL: In France I could, of course, proceed only in the same way, by informing the military commander of the instructions which I myself had received. He then prepared for discussions with the German Embassy and the French Government, so that with the Ambassador presiding, and the military commander taking an authoritative part, the discussion with the French Government took place.

DR. SERVATIUS: And what happened as far as the Ministry for the Occupied Eastern Territories was concerned?

SAUCKEL: In the case of that Ministry I had to transmit my orders to the Reich Minister for the Occupied Eastern Territories and had to consult with him. With Reich Minister Rosenberg we always succeeded in arranging matters between ourselves in a way that we considered right. But in the Ukraine there was the Reich Commissioner who was on very intimate terms himself with headquarters, and, as is generally known, he was very independent and acted accordingly by asserting this independence.

DR. SERVATIUS: How did these authorities in the occupied territories take your activities at first?

SAUCKEL: In the occupied territories there was naturally much opposition at the start of my work, because I brought new orders and new requirements and it was not always easy to reconcile conflicting interests.

DR. SERVATIUS: Was there any apprehension that you would intervene in the administration of the territories?

SAUCKEL: From my own conviction I refrained entirely from any such intervention and I always emphasized that in order to dispel any such apprehensions, since I myself was not the administrator there; but there were many selfish interests at work.

DR. SERVATIUS: We will discuss this on another occasion. Now I should like to ask you: You had deputies for the Arbeitseinsatz—when did you obtain them?

SAUCKEL: I was given these deputies for the occupied territories through a personal decree of the Führer on 30 September 1942, as far as I remember.

DR. SERVATIUS: What was the reason?

SAUCKEL: The reason for appointing these deputies was to do away more easily with the difficulties and the lack of direction which prevailed to some extent in these areas.

DR. SERVATIUS: I refer in this connection to Document 12, "The Führer's Decree Concerning the Execution of the Decree of the Plenipotentiary General for the Allocation of Labor." No, it is Document 13. "Decree Concerning the Appointment of Deputies"—on Page 13 of the English document book, and I also refer to Document 12 which has already been submitted as 1903-PS, Exhibit USA-206.

Did you not have two different kinds of deputies, I mean, were there already some deputies previously?

SAUCKEL: There were previously deputies of the Reich Labor Ministry who in allied or neutral countries were assigned to the German diplomatic missions. They must be distinguished from those deputies who were assigned to the chiefs of the German military or civilian administration in the occupied territories.

DR. SERVATIUS: What position did the deputies hold in the occupied territories?

SAUCKEL: In the occupied territories the deputies had a dual position. They were the leaders of the labor sections in the local government there—a considerable burden for me—and at the same time my deputies who were responsible for the uniform direction and execution of the principles of the allocation of labor as laid down by me.

DR. SERVATIUS: Did you have your own organization with the deputy at the head, or was that an organization of the local government?

SAUCKEL: I did not have any organization of my own. The local governments were independent separate administrations with an administrative chief as head to whom the various departments were subordinated.

DR. SERVATIUS: How many such deputies were there in one area?

SAUCKEL: In the various countries I had one deputy in each of the highest offices.

DR. SERVATIUS: What was the task of the deputy?

SAUCKEL: The task of the deputy, as I have already said, was to guarantee that German orders were carried out in a legal way and, as member of the local administration, to regulate labor questions which arose there.

DR. SERVATIUS: What tasks did they have as regards the interest of the Reich and the distribution of labor for local employment and in the Reich?

SAUCKEL: It was expressly pointed out that they were to produce labor in reasonable proportions with consideration for local conditions; they also had to see to it that my principles were observed with respect to the treatment, feeding, and so forth of workers from the occupied zones. That is laid down in the form of a directive.

DR. SERVATIUS: Did you not have your own recruiting commissions?

SAUCKEL: There were no recruiting commissions in the sense in which the expression is often used here and in our own documents. It was a question of reinforcements of experts which were requested by the local government, in order to carry out the tasks in the countries concerned.

DR. SERVATIUS: What instructions did these recruiting commissions have?

SAUCKEL: They received the instructions which are frequently and clearly expressed in my orders and which, as they have been laid down, I need not mention.

DR. SERVATIUS: I refer here to Document 15 which has already been submitted as 3044-PS; Exhibit Number USA-206, and also USSR-384.

That is the Order Number 4 of 7 May 1942, which settles in principle all the problems relating to this question, and gives the necessary directives to the deputies regarding recruitment.

Were those directives which you issued always adhered to?

SAUCKEL: The directives I issued were not always adhered to as strictly as I had demanded. I made every effort to impose them through constant orders, instructions, and punishment which, however, I myself could not inflict.

DR. SERVATIUS: Were these orders meant seriously? The French Prosecution has submitted in the government report one of your speeches, which you made at that time in Posen. It was termed a speech of apology. I ask you whether these principles were meant seriously or whether they were only for the sake of appearances, since you yourself believed, as the document stated, that they could not be carried out?

SAUCKEL: I can only emphasize that in my life I had worked so much myself under such difficult conditions that these instructions expressed my full conviction as to their necessity. I ask to have witnesses heard as to what I thought about it and what I did in order to have these instructions carried out.

DR. SERVATIUS: Was there any noticeable opposition to your principles?

SAUCKEL: I have already said that to a certain extent my principles were considered troublesome by some authorities and injudicious as far as German security was concerned.

When I was attacked on that account, I took occasion, in addition to a number of instructions to the German Gauleiter, to issue a manifesto to all the highest German government offices concerned.

DR. SERVATIUS: May I remark that this is Document S-84, in Document Book 3, Page 215.

I submit the document once more in German because of the form in which it is printed. It is in the form of an urgent warning and was sent to all the authorities.

THE PRESIDENT: Is it Document Number 84?

DR. SERVATIUS: Yes.

Witness, did you, in a meeting of the Central Planning Board . . .

SAUCKEL: May I be allowed to say a word with regard to this manifesto?

DR. SERVATIUS: Yes.

SAUCKEL: When I issued the manifesto, I was met with the objection, mainly from Dr. Goebbels, that a manifesto should really be issued only by the Führer and not by a subordinate authority such as myself. Then I found that I was having difficulties in getting the manifesto printed. After I had had 150,000 copies printed for all the German economic offices, for all the works

managers and all the other offices which were interested, I had it printed again myself in this emphatic form and personally sent it once more, with a covering letter, to all those offices.

In this manifesto, in spite of the difficulties which I encountered, I especially advocated that in the occupied territories themselves the workers should be treated in accordance with my principles and according to my directives and orders.

I respectfully ask the Court to be allowed to read a few sentences from it:

"I therefore order that for all the occupied territories, for the treatment, feeding, billeting, and payment of foreign workers, appropriate regulations and directives be issued similar to those valid for foreigners in the Reich. They are to be adjusted to the respective local conditions and applied in accordance with prevailing conditions.

"In a number of the Eastern Territories indigenous male and female civilian labor working for the German war industry or the German Wehrmacht is undernourished. In the urgent interests of the German war industry in this territory this condition should be remedied. It is checking production and is dangerous. And endeavor must therefore be made by all means available to provide additional food for these workers and their families. This additional food must be given only in accordance with the output of work.

"It is only through the good care and treatment of the whole of the available European labor on the one hand, and through its most rigid concentration"—here I mean organizational—"leadership and direction on the other hand, that the fluctuation of labor in the Reich and in the occupied territories can be limited to a minimum, and a generally stable, lasting and reliable output be achieved."

May I read one more sentence:

"The foreign workers in the Reich and the population in the occupied territories who are being employed for the German war effort must be given the feeling that it is to their own interests to work loyally for Germany and that therein alone will they see and actually find their one real guarantee of life."

May I read still one sentence in the next paragraph:

"They must be given absolute trust in the justness of the German authorities and of their German employers."

THE PRESIDENT: I think we had better not go further in this document. Can you indicate to us at all how long you are likely to be with this defendant?

DR. SERVATIUS: I shall probably need the whole day tomorrow.

THE PRESIDENT: Mr. Dodd, would it be convenient for you some time to deal with the documents of the remaining defendants?

MR. DODD: Yes, Mr. President, any time that you might set aside.

THE PRESIDENT: Well, you know how far the negotiations and agreements with reference to documents have gone.

MR. DODD: I do with some, but not with all. I can ascertain the facts tonight, or before the morning session, and advise you at that time.

THE PRESIDENT: Yes, and you will let us know tomorrow what time will be convenient?

MR. DODD: Yes, Sir.

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal adjourned until 29 May 1946 at 1000 hours.]